



Department for
Energy Security
& Net Zero

Empowering drivers and boosting competition in the road fuel retail market

Government response to consultation on
open data scheme and ongoing monitoring
function for road fuel prices



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Introduction

In July 2023, the Competition and Markets Authority (CMA) published its road fuels market study¹. It found that at a national level competition between fuel retailers has weakened since 2019, longstanding patterns of variable pricing between different local areas remain and competition remains weak between motorway service area petrol filling stations (PFSs). Given the findings, to remedy the issues, the CMA recommended that the government should introduce an open data scheme for fuel prices and an ongoing road fuels monitoring function.

On 16 January 2024, the Department for Energy Security and Net Zero published an 8-week consultation on the design of the open data scheme and elements of the ongoing road fuels monitoring function that were not outlined in the then Digital Markets, Competition and Consumers Bill (now Act).

The need for the CMA's recommendations to be implemented has been reiterated by the CMA's recent interim road fuel monitoring update² which found that:

- Supermarkets' fuel margins are roughly double what they were in 2019.
- The total cost to all drivers from the increase in retail fuel margins since 2019 was over £1.6bn in 2023 alone (albeit this does not take into account developments in operating costs).
- Competition among fuel retailers is failing consumers, just as it was in July 2023 when the CMA published its road fuel market study.

These findings are hugely concerning, and the government is committed to ensuring drivers get a fair price for fuel and are not being overcharged.

The government confirms that it will implement a statutory open data scheme for fuel prices (herein known as "Fuel Finder") to increase price transparency which will help drivers to compare prices easily and make more informed decisions on where to buy petrol and diesel. This will in turn increase pressure on PFSs to compete strongly to attract consumers by lowering their prices or improving their offering. Providing drivers with this near real time price data will bring the sector in line with other markets in which consumers can compare prices at the click of a button. Alongside this, sharing the data openly and freely will galvanise the digital economy, providing growth opportunities for those that wish to use the data in innovative ways akin to Open Banking.

The government is committed to implementing Fuel Finder as quickly as possible but the Data Protection and Digital Information Bill, which would have provided the legislative basis for Fuel Finder, fell at prorogation when the General Election 2024 was called. The Data (Use and

¹ CMA, [Supply of road fuel in the United Kingdom market study \(2023\)](#)

² CMA, [Interim road fuel monitoring update \(26 July 2024\)](#)

Access) Bill introduced to Parliament in October 2024 will provide the legislative basis to set up Fuel Finder to increase price transparency for UK drivers.

Subject to parliamentary timings, the government's aim is to launch Fuel Finder by the end of 2025. This lead-in time will give PFSs sufficient time to prepare for the reporting requirements before Fuel Finder is launched.

The CMA's ongoing road fuels monitoring function is in statute through the Digital Markets, Competition and Consumers Act 2024, the government aims to commence these provisions by January 2025 so that the CMA can use statutory powers to monitor competition in the road fuels retail market, both nationally and locally, as we move through the net zero transition. This function will be crucial in providing ongoing scrutiny of prices and considering whether further action may be needed to protect consumers.

Through the decisions confirmed in this publication, the government is taking an important step towards creating a fairer, more transparent, and competitive road fuels market that delivers for and empowers drivers.

Consultation exercise

On 16 January 2024, the Department for Energy Security and Net Zero published an 8-week consultation on the two measures to support the government in the design of the statutory open data scheme and the CMA's ongoing road fuels price monitoring function. The purpose of the consultation was to get views from fuel trade associations, PFSs, wider industry members of the downstream oil sector, consumer & motoring groups, potential users, developers, aggregators of open data and the public.

We encouraged as many people and organisations as possible to make their views known by contacting some directly where they had a strong interest, had multiple meetings with stakeholders and made use of social media to promote the consultation. A roundtable was held with third party tech providers³ to understand their views on the design of the open data scheme and to ensure that its implementation will be a success.

This government response document outlines the consultation position, a high-level summary of the responses to the consultation and the government response to these, organised under each question of the consultation.

The consultation asked for views on:

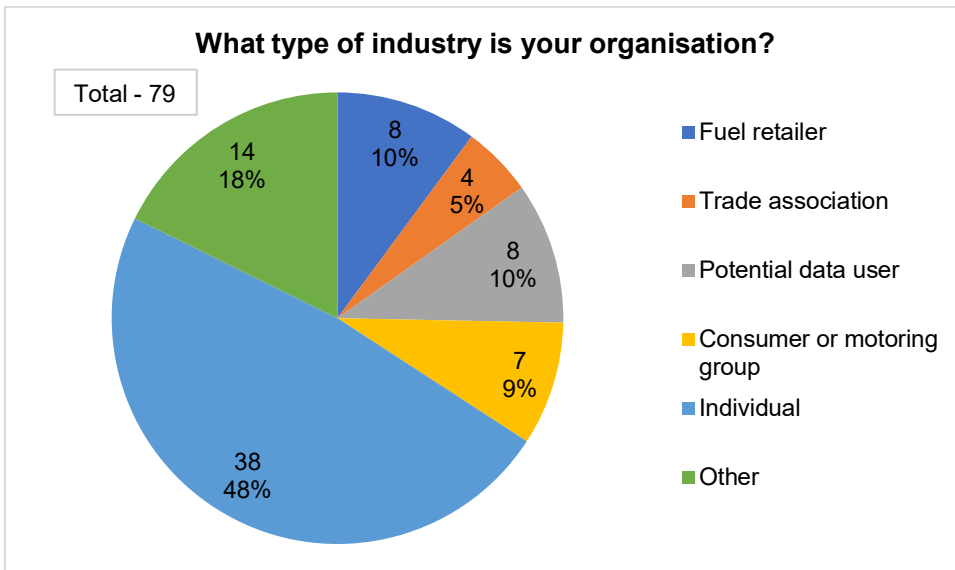
- **Open data scheme:** participation and coverage, who needs to report the data, types of data to be reported, methods of reporting, frequency and timing of reporting, data sharing, enforcement, funding mechanism, challenges, and risks.
- **CMA monitoring function:** focus and frequency of reports, what topical issues should be examined and how government can support businesses with information requests.

The total number of respondents was 79. The consultation was made up of quantitative questions in which we used a Likert scale to gauge a respondent's position on certain proposals and qualitative questions, which allowed respondents to go into more detail in their responses. Where we have not indicated a percentage-based response, there was not a quantitative element to that question.

Individuals and organisations could respond to the consultation via Citizen Space, an online survey through GOV.UK. Where this was not possible, we also provided the opportunity for stakeholders to respond by email. The majority of responses were received online. Not all respondents answered all the questions. When summarising the stakeholder responses to the consultation, all accompanying written text was analysed for each question.

We received responses from a range of stakeholders. These are broken down into the following categories by the number of responses the consultation received.

³ Department for Energy Security & Net Zero press release, [Tech leaders to make latest fuel price available on top apps \(11 March 2024\)](#)



In addition to the responses received to the consultation, views may have also been expressed through other channels such as meetings or email correspondence.

Summary of key policy decisions

This sets out a summary of the key decisions confirmed through this government response.

Statutory open data scheme (Fuel Finder)

- The government will procure an external supplier to be the aggregator of Fuel Finder and deliver the aggregation service.
- All UK retail 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 unavailability of these fuels.
- PFSs will be required to report price changes and the unavailability of fuel within 30 minutes of that change occurring.
- There will be a variety of reporting methods, including Application Programming Interface (API), web portal, Interactive Voice Recognition (IVR) and SMS.
- We will adopt a flexible approach to reporting responsibility, allowing either central office or individual PFSs to report prices which will need to be agreed at the outset, referenced through the 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. It will be provided via two methods.
 - API, which will be provided within 5 minutes of the aggregator receiving the data, which we expect to be used mainly by price comparison, satnav websites and apps to provide near real time pricing for consumers.
 - Flat file, which will be shared twice a day by email which we expect to be used mainly by individuals or research organisations.
- Fuel Finder will be funded by the government.
- 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. These are:
 - fixed amount up to 1% of worldwide annual turnover, or
 - a daily rate up to 5% of daily worldwide turnover, or
 - a combination of both.
- This would be in addition to criminal offences of an unlimited fine (England and Wales) and statutory maximum (Scotland and NI).

- The Data (Use and Access) Bill will provide the legislative basis to establish Fuel Finder through regulations. Implementation timings of Fuel Finder are dependent on parliamentary timings and process.
- The government is committed to implementing Fuel Finder as quickly as possible and so we will issue an Invitation to Tender in early 2025 to procure the aggregator. This will give the aggregator sufficient time to develop a robust, effective and efficient service before Fuel Finder is launched.
- Subject to parliamentary timings, the government's aim is to launch Fuel Finder by the end of 2025. This lead-in time will give PFSs sufficient time to prepare for the reporting requirements before Fuel Finder is launched.

Ongoing road fuels monitoring function (CMA monitoring function)

- The government is committed to the CMA's statutory information gathering powers for its road fuels monitoring function (contained in the Digital Markets, Competition and Consumers Act 2024) and aims to commence these provisions by January 2025.
- The CMA will publish an annual report, along with three shorter updates throughout the year.
- The annual report will focus on the state of competition in the sector and the three updates will focus on prices, costs and margins, and information on price trends across the UK and over time.
- The CMA will consult on and publish guidance on how it will exercise its information gathering powers for the monitoring function.

Fuel Finder

Rationale

Question 1: Do you have an estimate of the number of UK drivers that currently use price comparison tools?

Summary of responses

We received 54 responses to this question.

The majority of respondents did not have an estimate. Some fuel price comparison app and website providers mentioned how many users they had over a certain period.

Some respondents explained that some consumers will regularly use such tools before filling up their cars but there will be peaks and troughs in usage by consumers depending on various factors, for example where:

- there are, or perceived to be fuel prices increases or the volatility within the fuel market.
- there is coverage in the news, media, or social media
- it is ahead of particular holidays.

Government response

The government notes that we do not have an overall estimate of how many consumers currently use price comparison tools. We recognise this will be an important metric to monitor and evaluate the success and effectiveness of Fuel Finder. The government will therefore work with the appointed aggregator and third parties that use the data for their consumer facing services to ensure we can collect data on consumer usage. This will help us to monitor Fuel Finder and will feed into the evaluation process.

Question 2: Are there any other price comparison tools that you are aware of that we have missed from this list?

Summary of responses

We received 60 responses to this question.

The majority of respondents did not have additional tools to add to those listed in the consultation. A few respondents noted that they were not aware of the tools that we had listed. However, a few mentioned the following:

- **Fuelio (fuel.io):** this is an app which enables consumers to find local fuel prices – the data is crowdsourced from other users.
- **Street Guide (streetguide.co.uk/fuel-prices):** uses the CMA interim voluntary scheme data and enables consumers to put their post code in to find local fuel prices. In

addition, it has a heat map of UK regions showing which are the cheapest to most expensive, trends for the last month and prices by regions.

- **Saturday Walkers Club (maps.walkingclub.org.uk/fuel-prices):** uses the CMA interim voluntary scheme data and enables consumers to put their post code in to find local fuel prices.
- **Snoop (snoop.fuelpricedata.com):** uses the CMA interim voluntary scheme data and enables consumers to put their post code in and search for prices.

Some respondents flagged companies providing software specifically for fuel retailers to help them optimise their fuel pricing.

Government response

The government notes that there are many existing price comparison tools providing a valuable service to consumers in searching for local fuel prices. The success of Fuel Finder depends on the adoption of the data by third party websites and apps, so consumers can use them to make more informed decisions on where to buy fuel. The government is committed to collaboration with third parties to ensure they can effectively utilise the Fuel Finder data as we develop and implement the scheme.

The government will undertake formal monitoring and evaluation of Fuel Finder, and to support this work we will work with the aggregator to collect data on how many third parties with consumer facing services are using the data.

Question 3: Are there any additional ways third parties could use the fuel prices data, other than price comparison/navigational tools, to maximise its benefits to the consumer?

Summary of responses

We received 61 responses to this question.

Beyond using the fuel prices data in price comparison and navigational tools, the following ways were suggested:

- average price comparisons by town / region so consumers can understand which are the cheapest and most expensive.
- analysis of trends over a certain period
- ability to receive alerts when prices changed at particular PFSs.
- comms and awareness of how fuel prices fit into the wider global market.

One theme that came up strongly was the integration of fuel price data with other datasets which could help consumers make wider decisions than just where to find the cheapest fuel, for example:

- understand if it is cheaper to drive or use other modes of transport.
- calculate total cost to fill up.

- calculate total cost of journeys.
- fuel calculators which could advise if it is worth driving the extra mile and the environmental impact of that to get cheaper fuel when it is out of their way.
- work out cost of ownership for vehicles based on mileage and fuel cost along with other factors such as maintenance and servicing.

Some responses also suggested that the fuel price data could be used to better predict traffic patterns by knowing which PFSs are pricing lower than nearby competitors and as a result helping drivers who do not need fuel on the day navigate better.

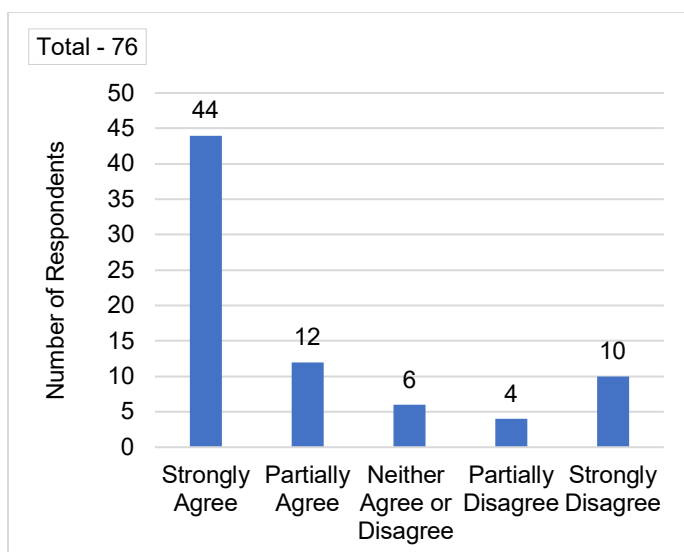
Government response

The government welcomes the suggestions for how fuel prices data could be used other than in price comparison and navigational tools. A key objective of Fuel Finder is to galvanise the digital economy by openly and freely sharing this data and therefore the government will not be creating its own consumer facing app or website. This forms part of the government's wider efforts to harness the power of Smart Data to drive economic growth by accelerating innovation, investment and productivity across the UK. It is evident through the responses received that there are many ways to extract value from this data set, including deeper understanding of pricing trends and the cost of filling up – and this is best left to the market. We will though publicise the data to ensure that as many third parties as possible are able to use the data in innovative ways.

Delivery model

Question 4: We propose that the aggregator model is the most practical and efficient way to deliver the open data scheme in the UK and should meet the objectives set out. Do you agree?

Summary of responses



We received 76 responses to this question. 74% (56 respondents) strongly or partially agreed with the aggregator model, whilst 18% of respondents (14 respondents) partially or strongly disagreed, and 8% (6 respondents) neither agreed nor disagreed.

50 respondents provided additional information.

Of the respondents that strongly or partially agreed, they noted this was the best option to collect data from all PFSs. This model would also overcome the current limitations of existing fuel price data by improving coverage and timeliness. Third parties would also benefit from being able to access data from a single source. Respondents also noted the added value that the aggregator would bring to the scheme is that its role would be more than just collecting data, but also maintaining data quality and validating the data before it is shared and making the data as available as widely as possible. Many raised the point that the success of the scheme depended on the effectiveness of the Government's procurement.

Of those that partially or strongly disagreed, many mentioned concerns relating to the effectiveness of one aggregator operating in a diverse market and the data could be monetised either by the aggregator or third parties. Some respondents noted that the CMA voluntary scheme was performing adequately and there is no requirement for the additional cost of a mandatory scheme.

Government response

The government plans to adopt the aggregator model outlined in the consultation. This is in line with similar international schemes, such as those in Austria, Germany and Queensland in Australia – where either the government provides the aggregation service, or an external supplier is contracted to do so.

This model is crucial to the successful implementation and ongoing delivery of Fuel Finder as the aggregator will have a role in each stage of the data sharing journey. It will ensure that data is efficiently collected in the agreed formats, data is cleansed and validated, and data is converted into the agreed formats and disseminated onto third parties. We will ensure that the necessary skills, capabilities, and requirements are sought when procuring for a suitable supplier to run the aggregation service via the standard government procurement routes. This aggregation service will go through GOV.UK agile processes to guarantee it meets the service standard before implementation, ensuring it hits the key performance indicators that helps assure that the supplier delivers a robust service that will benefit consumers.

We recognise that the CMA's interim voluntary scheme has - without an aggregator model - 14 fuel retailers participating, covering around 40% of UK PFS and 65% of fuel volume sold⁴. The data is also being used by many third-party users, integrating it into consumer-facing products, and several national and local news outlets are hosting fuel price checkers based on this data on their websites. Whilst this is a success, the scheme is limited. It does not have comprehensive coverage, primarily because of the nature of its design, which requires fuel retailers to share data on their websites, which many small retailers may not have the

⁴ <https://competitionandmarkets.blog.gov.uk/2023/08/31/what-were-doing-to-provide-access-to-road-fuel-price-data/>

infrastructure to do and therefore cannot participate. In addition, the data is not available in one place, third parties would have to visit the individual websites to obtain the data. An aggregator model would solve all these issues by providing various methods for all types of PFSs to use to report prices and third parties will be able to access all the data in one place from the aggregator efficiently. The CMA scheme had been established as a temporary voluntary measure which has been a useful first step in obtaining data directly for fuel retailers, however, it is important that there is a mandatory, statutory scheme, so drivers have access to real-time prices from all UK PFSs. The government notes the concerns around the potential for monetisation of data by third parties. It is not for government to set restrictions on how third parties make a profit from their services, but we will explore how we can ensure that pricing data from Fuel Finder is presented to consumers in an unbiased way.

Question 5: Are there any considerations we should take into account for this aggregator model?

Summary of responses

We received 56 responses to this question. The considerations ranged from how the aggregator should work with PFSs to how it should share the data with third parties to how it would operate Fuel Finder.

Respondents noted their desire for the government and aggregator to be clear about the expectations that will be placed on PFSs and provide guidance as well as technical and operational support. Many noted that the aggregator will need to account for the differences between PFSs in the UK, with the majority of the market being made up of independents, and that a “one size fits all” approach is not realistic, with there being multiple ways of receiving, cleansing and consuming live data from PFSs.

On sharing the data, respondents noted that the government needs to ensure a lack of commercial bias and ability to exploit the data by third parties. Alongside this, the aggregator should provide a channel through which consumers and third parties can report inaccuracies. Respondents also noted that the aggregator would need to ensure easy and timely access of data for third parties, and that it adheres to strict data security and privacy regulations.

On operation of Fuel Finder, some respondents noted that the aggregator should provide quality assurance of the data, and that the government should ensure the aggregator can handle the amount of data it will be required to manage.

Question 6: What are the risks of an aggregator model and how could those be mitigated?

Summary of responses

We received 58 responses to this question. Many of the issues were similar to those raised in questions 4 and 5, such as ensuring the aggregator has suitable technical systems in place to both validate and quality assure the data. However, there were several themes of risks that had not been raised previously.

Many respondents noted that government would need to guard against commercial bias from the aggregator, and larger businesses may exploit increased visibility of prices to undermine the objectives of price transparency by paying for higher placement on third party products. Several safeguards against this were suggested, such as clearly defining the aggregator's responsibilities and limitations in a contract, implementing independent oversight and regular audits of the scheme. One respondent also suggested the performance of the aggregator and its governance could be publicly assessed by the monitoring function.

The need for contingency/safeguarding plans to be built in was also raised by several respondents, which would allow fuel retailers to submit data even when the aggregator's systems are down, so that the data is always delivered to end users. A few responses indicated the aggregation service should have proven redundancy and resilience and be subject to load or penetration testing.

Several respondents noted there should be a timing requirement on the aggregator to ensure that prices are made available to third parties/consumers immediately after being submitted by fuel retailers to avoid inaccurate or late reporting of prices.

Government response for Questions 5 and 6

The government acknowledges that the effectiveness of Fuel Finder, and public's trust in the scheme, depends on the aggregator's ability to: establish a streamlined aggregation service, set clear expectations for PFSs, manage the database and share data with third parties. Given the scale of the aggregation service required, it will be vital that the successful supplier has the necessary skills, capacity, capability and experience to deliver this. The government will follow the standard government procurement processes to ensure this is done in a competitive, robust, and fair manner. The government will issue an Invitation to Tender in early 2025 to procure the aggregator. This will give the aggregator sufficient time to develop a robust, effective and efficient service ahead of the launch of the statutory Fuel Finder, which the government aims to launch by the end of 2025. We recognise the importance of consumers having near real-time data and so we will be requiring the aggregator to share data with third parties within five minutes of receiving the data from PFSs via API.

It is important that PFSs understand the reporting requirements that will be placed upon them, and they have the necessary support in this. The aggregator will be required to publish guidance and support to PFSs. Additionally, the aggregation service will undergo a development and testing process as part of the government-mandated agile processes, where the aggregator will be required to conduct user research with PFSs and third parties as it develops and refines the service.

The government will also set out clear key performance indicators (KPIs) in its contract with the aggregator that sets clear expectations, including:

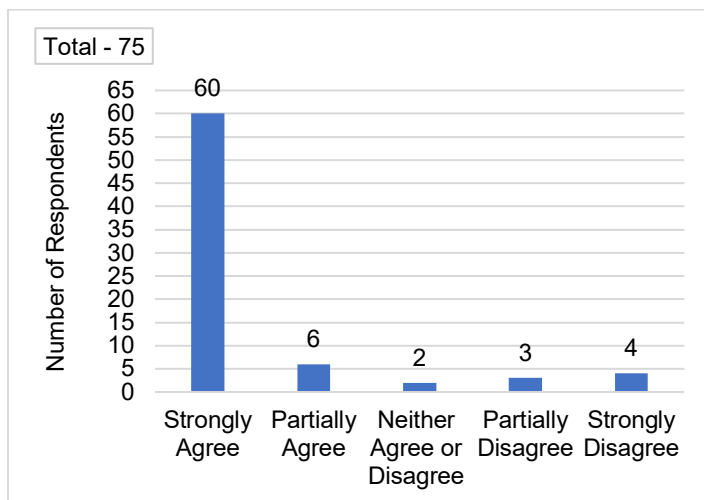
- Setting up registration processes for PFSs and third parties that wish to access the data.
- Maintenance of the database.

- Validation and quality assurance measures.
- Clear data privacy and security processes.
- Sharing data with third parties within five minutes of receipt via API.
- Establishing a mechanism for consumers/ others to report e.g. complaints of inaccurate prices etc.
- Reports on compliance and management.
- Support and maintenance of the service, including engaging with PFSs to ensure compliance or resolve reporting issues.
- Provide data on indicators to monitor and assess the impact and effectiveness of Fuel Finder.

Participation and coverage

Question 7: We propose that it should be mandatory for all PFSs in the UK to participate in the open data scheme. Do you agree?

Summary of responses



We received 75 responses to this question. 88% (66 respondents) strongly or partially agreed that all PFSs in the UK should participate in Fuel Finder.

56 respondents also provided additional information.

Of those who strongly or partially agreed with the proposal, respondents noted that the scheme would be undermined if there is not full coverage of PFSs. An incomplete data set would lead to less price transparency, a less informed consumer base and potential loss of trust in the scheme. Some noted that if exemptions were made this would not be a level playing field and could distort the market. Whilst supportive of the proposal, they noted the relative impact the scheme could have on smaller and rural PFSs, and that government would need to support them by providing a variety of reporting mechanisms or working closely with them.

Of those that partially or strongly disagreed, the main rationale was the disproportionate impact on smaller, rural and independent PFSs - the cost to update legacy systems and lack of resource or capacity to comply with the measures. They also noted that these additional costs could potentially be passed onto the consumer. Some noted that it could lead to some PFSs going out of business and leading to fuel deserts in rural areas. Some questioned whether the benefits of increased transparency in rural areas would lead to greater competition given these areas have few PFSs in the surrounding area to compete with anyway. A few respondents suggested exemptions for very small rural PFSs or those selling less than 1 million litres of fuel per annum.

Government response

Effective competition relies on consumers being able to accurately compare price of fuel in a way that drives informed decisions. Fuel Finder will modernise the road fuels retail market, making it easier for consumers to compare prices in near real time.

One of the key objectives of Fuel Finder is to increase price transparency for consumers. We believe that without full coverage, the level playing field and objective of price transparency would be undermined, limiting consumer awareness of prices. Full coverage will improve the existing pricing data available in the market, ensure that consumers across the UK can access near real time prices and ensure fair competition between PFSs. As such the government has decided that all retail PFSs in the UK will be required to participate in Fuel Finder.

We have considered the relative impact of the reporting requirements on smaller and rural independent PFSs and whether some PFSs should be exempted. Whilst we note the concerns and risks highlighted, an exemption would also not be without risk. For example, if some PFSs were exempted, this could disproportionately impact consumers in those local areas, including in those areas that may predominantly be represented by smaller and independent PFSs. We have analysed similar international fuel price transparency schemes and are aware some have exempted PFSs selling less than a certain volume of fuel per year, however, there are others where there are no exemptions.

We believe that the design of Fuel Finder will ensure that even the smallest retailers can participate in a cost and resource-efficient way, mitigating the potential impact the reporting requirement may have. This is set out in detail in the relevant sections of this document but summarised below.

We have provided a variety of reporting methods for PFSs to report prices in line with similar international schemes – further detail is in question 10, but this should enable all types of PFSs to participate as per the consultation responses received.

As set out in the government response to questions 5 and 6, the aggregator will be required to provide guidance and training to PFSs ahead of Fuel Finder being launched and ongoing support during its operation. The aggregation service will undergo thorough testing as part of the government-mandated agile processes.

In addition, as the implementation timings are dependent on parliamentary timings and process - the government's aim is to launch the statutory Fuel Finder by the end of 2025. This lead-in time will provide PFSs with sufficient time to prepare for the reporting requirements before Fuel Finder is launched.

In line with its existing public law duties, the CMA is required to make decisions fairly and act reasonably when exercising its functions, which will apply to the enforcement of Fuel Finder.

Data to be reported

Question 8: Do you agree with the proposed data that needs to be reported?

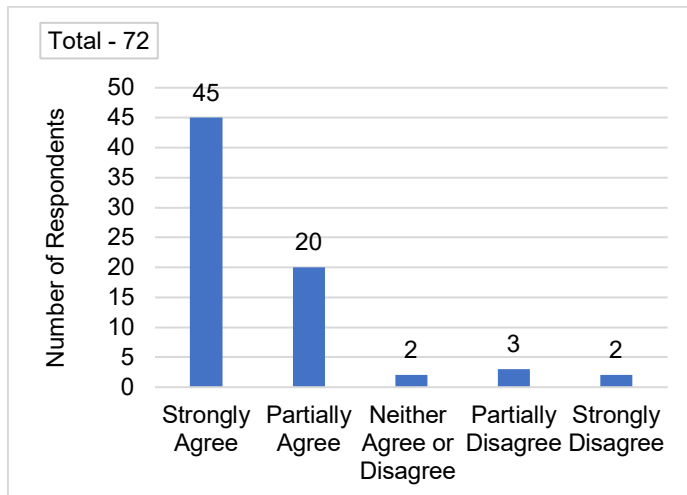
Table 1: Publicly available data

Data to be reported and publicly shared
Trading name for PFS
Location address
Global Position System (GPS) & location services
Trading hours
Telephone number for the site
Fuel types offered for sale (and brand if applicable)
Retail fuel prices (with timestamp of price change)

Table 2: Privately held data

Data to be reported and privately held
Name of primary contact person for the site
Position or title of primary contact person
Mobile telephone number of primary contact person
Email address of primary contact person
Name of legal entity (parent company) that operates/is responsible for reporting for the site

Summary of responses



We received 72 responses to this question. 90% of respondents (65 respondents) strongly or partially agreed with the proposed data that would have to be reported by PFSs.

45 respondents provided further information on their responses which covered the following:

- **Trading name for PFS:** many respondents noted we would need to consider franchised models where there are two entities involved in a PFS; the owner who decides the prices and the operator who runs the site. Some respondents mentioned that trading names may not reflect how sites are referred to locally or what it says on the shop canopy, and therefore the trading name should be replaced with a more recognisable name to the consumer.
- **Location address:** many respondents said this should include the street name and postcode.
- **GPS:** several respondents said we should use latitude and longitude.
- **Telephone number for the PFS:** many respondents did not agree that this should be made public as it may lead to an increase in calls from consumers about price.
- **Fuel types offered for sale:** many respondents proposed that we should only collect prices on standard fuel types (E10 and B7) and not 'special' or 'branded' types of fuel (E5 and super diesel) because these differ between retailers and are not directly comparable. However, some respondents were keen to have this information included so consumers are aware of these prices.
- **Primary contact person details for the PFS (privately held):** many respondents noted that this should be contact details for whoever is responsible for reporting the price, in most cases this would be a contact at the central office not the PFS. Some said that it might be appropriate to have contact information for both the PFS and the central office or back up contacts if the primary contact is not available.

Some respondents also provided additional information that should be reported which we have covered in the next question.

There was a clear view that other than retail fuel prices, PFSs should only have to report the rest of the information once at the start of the process, and thereafter reporting is only required if that information changes which would be unlikely as a lot of this information will remain static.

Question 9: Is there any other data that you think should be reported?

Summary of responses

We received 54 responses to this question. The key additional information proposed is as follows:

- **Amenities and facilities available at PFS:** some respondents suggested that having information such as car wash facilities, shops, food & drinks, accessibility, toilets etc would be helpful for consumers.
- **Availability of fuel:** some respondents noted that if a particular fuel type was temporarily unavailable, having this information would be helpful for consumers so they do not have wasted trip.
- **Temporary or permanent closure of PFS:** some respondents indicated having this additional information would be helpful to consumers.
- **Unique ID:** many respondents suggested having unique identifiers for each PFS would be helpful to support the aggregator in its administrative duties.

Government response to Questions 8 and 9

The government notes that the types of data that we proposed to collect were broadly agreed with. Based on responses to the consultation we have considered further and set out our approach.

Trading name for PFS

We understand the concerns raised, but the trading name of a PFS is important and this information will be required. However, given the concerns, we will ask PFSs to make clear if the PFS has branding of a particular fuel company which is clearly visible on the forecourt and easily identifiable for the consumer.

Location address and GPS

The intention was always to collect information on street name and postcode and that remains the plan, but we will make that clearer. With regards to GPS, we will make it clearer it is latitude and longitude. This information will help third parties to locate the PFS when creating products and provide for accurate reporting of location for consumers.

Telephone number for the PFS

The government recognises that by sharing a telephone number for the PFS could lead to the PFSs receiving increased phone calls. However, we also note, that in most cases, telephone numbers for PFSs are already in the public domain and can be easily found by consumers. As

such, where the telephone number is already in the public domain we will collect this data. If the data is not in the public domain, this data will not be required.

Fuel types offered for sale

We recognise responses to the consultation argued for the inclusion of super fuels and others against this. Having considered, we believe that consumers should have transparency of prices for all fuel types sold. We note that these special or branded fuels are collected as part of the CMA's interim voluntary scheme.

As such the government will be mandating that prices for all types of petrol and diesel should be reported – this includes E10 (unleaded), E5 (super unleaded), B7 (diesel) and super/premium diesel.

Primary contact person details for the PFS (privately held)

As set out in the government response to question 13 we have changed our position on who is responsible for reporting prices to provide for a flexible reporting approach. This means that based on the operating model, we will allow either central office or the individual PFS site to report prices to the aggregator, but this must be agreed as part of the registration process with the aggregator to avoid any confusion on liability.

So, in terms of the data collected regarding the primary contact person, if it has been agreed central office will report the prices for a given PFS site – we will require contact details for the relevant contact at central office rather than the PFS site.

We will also be asking for contact details for an alternative contact, in the event the primary contact is not available. The alternative contact will only be contacted by the aggregator or enforcer if the primary contact is not available. We recognise it may not be possible to have an alternative contact for some very small PFSs which is understandable and will be taken into account. When the information for the primary and secondary contact is changed, the aggregator will need to be updated as soon as possible to ensure that any issues related to reporting can be resolved and the service can continue to function effectively.

Amenities and facilities available at PFS

We recognise that price is not always the sole factor in a consumer's decision on where to buy fuel. There could be many other factors such as location, service and other amenities and facilities available at a PFS. Ensuring consumers have as much information as possible to make informed decisions is important, as such as we will be asking PFSs to provide data on which amenities and facilities are available on the forecourt as part of the registration process.

We understand a lot of this information is already in the public domain and so should not be new information or cause additional burdens on PFSs.

Availability of fuel at PFS

We recognise it is frustrating for consumers to drive to a PFS and find that the fuel they require is temporarily unavailable. To avoid misleading consumers, we will be asking PFSs to report to the aggregator when a particular fuel type is not available so that consumers are aware of this information. This should be reported within 30 minutes of the fuel type no longer being available for sale. The PFS should then report to the aggregator when the fuel type is available for sale and the price – within 30 minutes.

We recognise that by making this data available, there is a potential risk of increased ‘adaptive purchasing’ i.e. where concerns about shortages of supply lead to increased demand.

However, we believe that apparent fuel shortages are already likely to be reported rapidly on social media and an authoritative source of evidence should help prevent false narratives spreading. In the event of genuine disruptions to fuel supply, access to this data will support the government response and help consumers to find fuel – in a similar way to how the French government’s fuel price transparency scheme supported customers during fuel shortages in 2022.

The CMA’s road fuel market study also suggested that collecting this data as part of the open data scheme (Fuel Finder) would be beneficial for consumers.

Temporary or permanent closure of PFS

Ensuring consumers are not misled by seeing prices on apps and websites when the PFS is temporarily or permanently closed, we will be asking PFSs to update the aggregator when this is the case at the earliest possible opportunity.

Unique ID

It is important that each PFS can be uniquely identified with ease, as such the government will ask the aggregator to create unique IDs for each PFS as part of the registration process.

Type of PFS

Many responses to the consultation for various questions were keen to point out that there are different types of PFSs in the retail road fuel market and that a one size fits approach will not work.

We believe it is therefore important that the aggregator is aware of the types of PFSs it will be working with and so can work with them accordingly ahead of the launch of Fuel Finder and during its implementation. As such, as part of the registration process, we will be asking PFSs for the type of PFS it is e.g. supermarket; company owned, company operated; company owned, dealer / agency operated; dealer owned, dealer operated. This information will be privately held by the aggregator for its administrative purposes and shared with the government for monitoring and evaluation purposes.

Summary of data required

The below tables summarises the government position on the data that will be required for each PFS.

All the below data will need to be provided to the aggregator as part of the registration process. Thereafter other than retail fuel prices (and if fuel is unavailable), the rest of the information will not need to be reported on an ongoing basis to the aggregator unless it changes, and this should be done as soon as possible. However, we expect most of this information will remain static. That said, depending on the reporting method used by the PFS, some information may need to be inputted each time a price change occurs e.g. unique ID, type of fuel etc.

The reporting window of 30 minutes only applies to retail price changes and in the event fuel is temporarily unavailable.

Table 3: Publicly available data

Data to be reported and publicly shared with third parties
Unique ID (to be created by the aggregator)
Trading name for PFS site
Brand of PFS if applicable (this will help consumers easily find the PFS if the trading name is not easily visible on the forecourt)
Address of PFS (building number, street name, town/ city/ county, postcode)
Latitude and longitude
Trading hours (we expect this to be the same as the information in the public domain)
Telephone number for the PFS (we expect this to be the same as the number in the public domain, if a number is not in the public domain, this will not be required)
Amenities and facilities at PFS (for example café, car wash, WC etc)
Fuel types offered for sale and brand if applicable (including E10, E5, B7 and super diesel)
Retail fuel prices of E10, E5, B7 and super diesel if sold (with timestamp of price change)
Fuel type temporarily unavailable for sale (only to be provided in the event a fuel type is not available for sale)
Temporary or permanent closure of PFS (only to be provided in the event of such a situation)

Table 4: Privately held data

Data to be reported and privately held by the aggregator for administrative purposes or to be shared with the enforcer for enforcement purposes
Responsibility of reporting price changes (this would be either central office or PFS site)
Name of primary contact person responsible for reporting price changes
Position or title of primary contact person
Telephone number of primary contact person
Email address of primary contact person
Name, position, telephone number, email address of alternative contact person (to be used in the event the primary contact person is not available)
Type of PFS (supermarket; company owned, company operated; company owned, dealer / agency operated; dealer owned, dealer operated)
Name of legal entity (parent company) of the PFS site

Method of reporting

Question 10: We have proposed the following methods for reporting: online portal, Application Programming Interface (API) system, SMS text message and Interactive Voice Response (IVR). Are there other methods we should consider including, or removing, if they are not necessary?

Summary of responses

We received 45 responses to this question. Many of the respondents agreed with our proposed methods for retailers to provide data via an API, online portal and SMS text message and IVR.

Some respondents noted that API uploads and online portals would be the most efficient way for prices to be reported and the development of these should be prioritised, whilst SMS and IVR would be useful as a backup or for sites without a reliable internet connection. However, some noted that whilst API may be the most efficient way to upload prices it may be difficult to implement given all PFSs do not have the same level of technical infrastructure.

Some respondents suggested only one of SMS text message or IVR would be required as they provide the same service. Some also noted that they are more prone to human error and could be difficult to use for inputting data.

Additional methods of flat file/CSV and an app were suggested by one respondent each. The former could be useful for medium sized sites that do not have the technical capacity of API.

Question 11: Are there any other methods for reporting we should consider for PFSs without a reliable internet connection?

Summary of responses

We received 45 responses to this question. Many respondents said that SMS and IVR were a sufficient method for offline reporting.

Some respondents suggested that there should be a direct line to the aggregator for PFSs to call and report price changes. However, a respondent noted that a direct phone line will put unnecessary expense into the scheme for a small number of PFSs.

Many respondents noted that when implementing the scheme, we would need to consider that many PFSs may have a reliable internet connection but will be reliant on using legacy technology which is temperamental, and as such may need alternative methods to report prices.

Question 12: Are there any PFSs which would not be able to use any of these methods to report price changes?

Summary of responses

We received 42 responses to this question, over half of these stated that all PFSs in the UK could participate in the scheme with the methods of reporting proposed in the consultation.

Some responses noted that whilst all could participate, it may be difficult for some small, rural and remote PFSs to respond within 30 minutes. In addition, some PFSs may require technological upgrades which would take time to implement and may be costly.

Government response to Questions 10, 11 and 12

The government is committed to facilitating seamless and cost-effective price reporting methods for all retailers. Based on the consultation responses, we plan to proceed with the reporting methods of online portal, API, SMS text message and IVR.

Whilst we acknowledge that smaller and rural PFSs may face a greater reporting burden, we are confident that these methods of reporting offer sufficient options for all types of PFS to promptly report prices with ease and efficiency. A recent Ofcom connectivity report⁵ noted that “most UK premises receive both decent fixed and good mobile services, but 38,000 (0.1%) cannot access either”. This indicates many PFSs, even rural, will be able to either use one of the provided methods to report prices. In addition, the aggregator will be required to provide guidance and support to PFSs.

We recognise the need for flexibility and so PFSs will not be obligated to report prices through the same method each time if that is not possible, for example if a PFS usually uses a web portal to report prices but on one occasion has lack of internet connectivity, they would be able to make use of the SMS text message option to report prices.

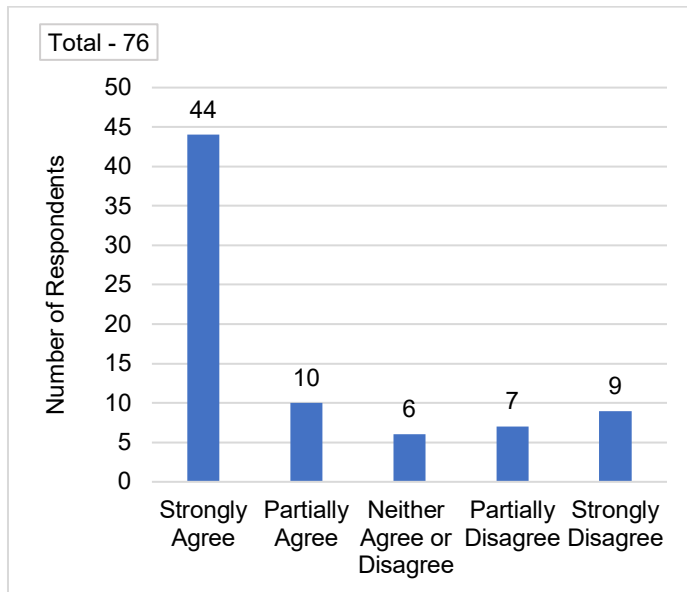
We believe with the various mitigations set out above, it should be possible for all PFSs to report prices using the methods outlined.

⁵ [Connected Nations 2021 UK report](#)

Frequency and timing of reporting

Question 13: We propose that it should be the responsibility of each individual PFS to report retail price changes. Do you agree?

Summary of responses



We received 76 responses to this question.

71% (54 respondents) strongly or partially agreed with the proposal for individual PFSs to report prices. Of these, many noted that this was a good way to ensure accuracy and timeliness of reporting, ensuring the price reported to the aggregator reflected the price at the PFS. However, some also stated a desire to avoid a ‘one size fits all’ approach, considering the diverse makeup of the market and to allow central office to also report prices.

21% (16 respondents) partially or strongly disagreed with the proposal. Almost all the fuel sector respondents to this question disagreed. Many respondents suggested moving away from a ‘one size fits’ all proposal. They highlighted the diverse nature of the market with a variety of internal price setting measures that would make the current proposal difficult to comply with. Respondents also highlighted that in many cases where retailers have multiple PFSs, central offices set prices which PFSs then implement on the forecourt. It would be an unnecessary burden for individual PFSs to report prices on top of their daily jobs. Some also noted that there was increased risk for human error if individual PFSs are liable for reporting prices. An alternative approach which many were in favour of is to allow either central office or individual PFS to report prices and to agree in advance who is responsible for reporting the price for each PFS to the aggregator.

Government response

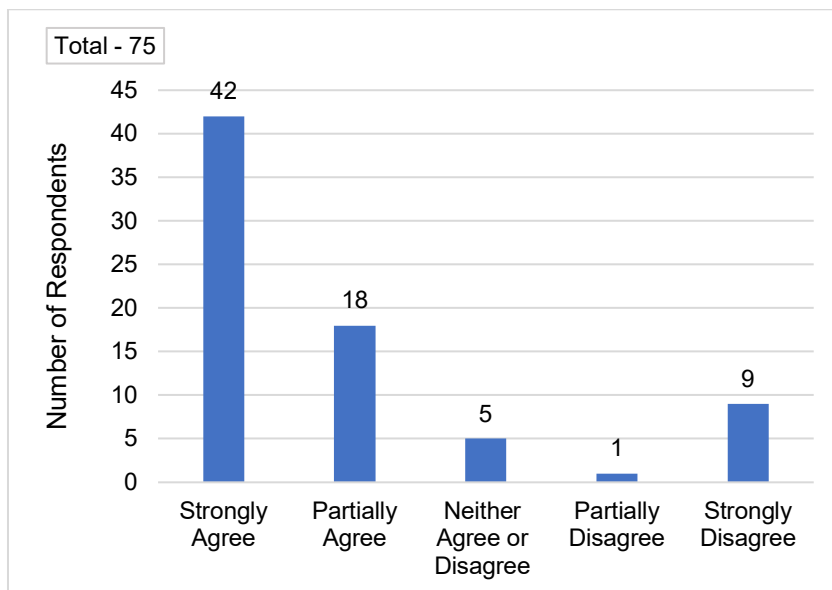
The road fuels retail market is diverse and made up of PFSs of varying types; ranging from small and rural single sites, multi-site independents, oil-company owned, and supermarket operated chains. The price-setting process, and importantly who determines the price also

varies across the market. The government recognises that the ‘one size fits all’ approach to the consultation proposal for the individual PFS site to report prices will not be an efficient or effective way for many to report prices. As such, the government has decided to enable a flexible reporting responsibility model. This means that where a company owns multiple PFSs, either the individual PFS or central office can report prices. To ensure there is clear liability of who is responsible for reporting prices, this will need to be agreed between the PFS site, central office and the aggregator from the outset as part of the registration and onboarding process.

Where a decision is made between PFSs and central office that the central office will report prices, there will need to be clear internal processes and feedback loops established so that when the price has been implemented/changed at the pole sign of a PFS site, staff at the PFS can inform the central office of this and the central office report the price to the aggregator. This is crucial because the 30-minute reporting window will start from the point the price has been changed at the pole sign.

Question 14: We propose that PFSs must report retail price changes to the aggregator within 30 minutes of the price changing. Do you agree this is a reasonable timeframe?

Summary of responses



We received 75 responses to this question.

80% (60 respondents) strongly or partially agreed with the proposal that PFSs must report fuel price changes to the aggregator within 30 minutes of the price changing at the forecourt. Of these, many referenced the need for the pricing data to be timely and accurate to ensure that consumers had access to up to date information to achieve price transparency. Some noted that having a variety of reporting methods to cater for all types of PFSs should provide enough routes with which PFSs can submit prices and meet the deadline. A few respondents thought PFSs should have to submit quicker than 30 minutes.

Many who agreed, however, highlighted the relative impact this would have on smaller and independent PFSs and noted that the scheme should be set up in a way that reduced the burden on them. A key theme that came up was the need to consider the various internal price setting processes, with many respondents proposing different ways in which to implement the reporting process to align with their existing process.

13% (10 respondents) partially or strongly disagreed with the proposal with the main rationale being that 30 minutes was not a feasible reporting time. Many noted the diversity of the PFS market; the different price setting processes across the sector; and impact on independents with less resource and technical infrastructure. Some respondents were concerned that it could lead to increased costs which may be passed onto consumers.

Alternative proposals put forward by several respondents were:

- Allow fuel retailers to submit 'future' prices to the aggregator with a 'live from' time stamp to align with when prices are updated at the PFS, most likely when that PFS opens the following day. The aggregator should then only share the data with third parties after the 'live from' time.
- Provide a 'grace' period of so that enforcement does not occur where a pricing update has not been successfully reported to the aggregator within 90 minutes, this would allow 60 minutes to correct a failure after the initial 30-minute deadline.
- Set reporting timings for retailers to mirror times when their prices are set and then updated on the forecourt.
- Extend the 30-minute deadline to 90 or 120 minutes which they believe would be more reasonable and feasible.
- Take a phased approach over time, starting with a 24-hour reporting deadline, then reducing that over time to 30 minutes to allow fuel retailers to get used to the requirements.

Many respondents noted that setting a 30-minute deadline and allowing that data to be shared in 'near real time' could lead to the unintended consequences of more frequent price changes. This is when PFSs change prices more frequently in a day (than they do currently) to adjust their prices based on their competitors' 'near real time' prices. Each price change would then require PFSs to report prices to the aggregator within 30 minutes, and potentially increase the share of time during which online vs on-site prices are out of sync. This could lead to consumer confusion and undermine the purpose of the scheme. The mitigations suggested for this risk is to restrict PFSs from changing prices more than once a day or at least price increases.

Many respondents noted that prices submitted to the aggregator needed to be shared with third parties immediately as would be unreasonable to set a deadline on PFSs but not the aggregator.

Question 15: Are there specific types of PFS who would find it difficult to meet the 30 minutes requirement, if so, how could they be supported?

Summary of responses

We received 43 responses to this question.

Many respondents stated that all PFSs should be able to participate, given the variety of methods that have been proposed to report prices.

However, the main type of PFSs that respondents highlighted would find it difficult to participate were small independents and those in rural locations. Many noted the reporting burden for these is higher, and they may struggle given they have fewer staff. Some respondents noted that these sites should be allowed to report to a time longer than 30 minutes, with suggestions of 60 or 120 minutes.

Some respondents noted that many PFSs would struggle to meet the requirements irrespective of size due to manual price setting at the forecourt. Some suggested that some PFSs could be exempted from the scheme based on fuel volumes sold.

Government response for Questions 14 and 15

Providing data that is fully accurate and as near real time as possible is a key objective of Fuel Finder as this will allow drivers to search based on the most up to date prices.

We considered the alternative proposals put forward by respondents to the consultation, however, there was no clear consensus on one proposal, and many would not be appropriate for the reasons set out below:

- allowing 'future' prices to be submitted to the aggregator would mean PFSs are sharing commercially sensitive information with the aggregator who may inadvertently disclose this prior to going live. Also, if PFSs know what the future prices are, they can plan ahead on when to make the change on the forecourt to minimise the impact of the 30-minute requirement.
- having a grace period for enforcement may prove difficult to enforce and make 30 minutes obsolete.
- setting reporting times of when PFSs would have to report prices would fundamentally change the scheme and would mean PFSs could still change prices outside of the set reporting time and consumers would not have the up-to-date prices.
- extending the reporting deadline, would mean a longer lag between prices changing at the forecourt, being reported to the aggregator, and being shared with third parties. This would mean consumers may not have up to date information on prices.
- having a phased approach start with a longer reporting timeframe of 24 hours and then reducing over time to 30 minutes would mean consumers would have out of date information.

With regards to the proposal put forward on limiting PFS price changes in a day to mitigate the risk of multiple price changes in a day and to avoid consumer confusion. We do not think this is appropriate as this would effectively be price regulation. We think the risk of multiple price changes is low given PFSs already monitor competitor price movements and price accordingly.

International fuel price transparency schemes range from having a 5-minute reporting deadline to 30 minutes and so we think 30 minutes is feasible for the UK⁶.

The government has considered and decided to continue with a 30-minute reporting timeframe for all PFSs. This means that central office or individual PFS site will need to report:

- price changes within 30 minutes of the price changing on the pole sign and
- if a fuel type is unavailable within 30 minutes of it becoming unavailable for sale.

The majority of respondents agreed with the proposal to implement a 30-minute reporting window, although we recognise the concerns raised in the consultation relating to the relative impact this may have on small and rural PFSs, those with legacy technology and the diversity of price setting processes that exist across the market currently. We believe these concerns can be mitigated with taking a holistic view of the whole design of the scheme, as set out below.

We are confident that the variety of reporting methods available to PFSs to report prices will mitigate the reporting burden for all types of PFSs, as these reporting tools have been used effectively in other countries that have delivered similar fuel price transparency schemes successfully.

We recognise the concern that PFSs fear being penalised for minor or unintentional errors. The CMA is bound by public law to act in a proportionate way and publish guidance on how it will exercise its enforcement powers, ensuring that enforcement of non-compliance is undertaken in a proportionate manner. Further detail is set out in the government response to question 23.

The aggregation service will undergo thorough testing as part of the government-mandated agile processes, ensuring that the aggregator builds a robust service that PFSs will be able to engage with and report prices to efficiently. Subject to parliamentary timings, the government's aim is to launch the statutory Fuel Finder by the end of 2025. This lead-in time will give PFSs sufficient time to prepare for the reporting requirements before Fuel Finder is launched.

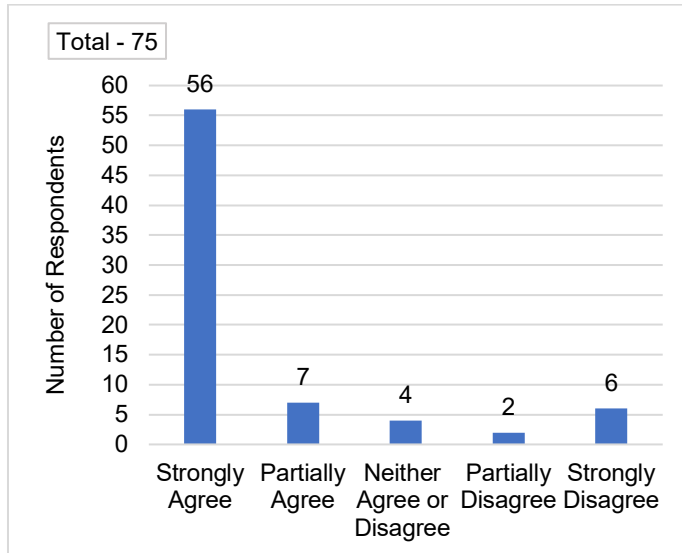
We recognise the importance of consumers having near real-time data and so we will be requiring the aggregator to share data via API with third parties within five minutes of receiving the data from PFSs.

⁶ In Queensland, Australia and Austria retailers are required to report prices within 30 minutes of a change. In Germany, retailers are required to report prices within 5 minutes of a change.

Data sharing

Question 16: We propose that the non-personal data outlined in Table 1 above, should be shared openly and freely with any type of third party that wishes to access it. Do you agree?

Summary of responses



We received 75 responses to this question. 84% (63 respondents) strongly or partially agreed that the non-personal data outlined should be shared openly and freely with any type of third party that wishes to access it.

34 respondents provided additional information. Those that agreed with the proposal noted the benefits to transparency and accessibility for consumers as well as the opportunities for innovation for private companies to smaller research projects. Some of those that agreed noted the need for a clarification of 'open and free' via a data licence and that no third party should receive early access.

Of those that disagreed with the proposal, some stated the sharing of data should be limited to that which can directly meet the objectives of price transparency, and some raised the risk of facilitating uncompetitive behaviour between fuel retailers by giving them access to competitor pricing.

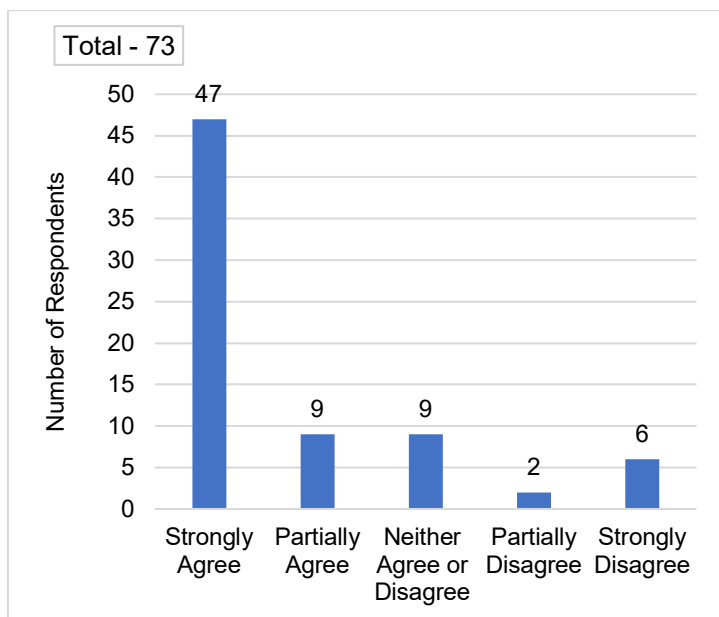
Government response

Ensuring transparency for consumers by providing them with comprehensive information so they can make informed decisions is a key part of Fuel Finder. As such, the data outlined in Table 3 will be shared with third parties of any type openly and freely, like the principles of the Open Government Licence. We will set out the specific terms and conditions for using the Fuel Finder data in due course, but the overriding principle is that it will be available openly and freely, with no restrictions and any type of third party being able to access the data. Third parties that wish to access the data will need to register with the aggregator and confirm the format they require it in (as set out in the government response to question 17).

The government notes the risk of facilitating uncompetitive behaviour between PFSs by giving them access to competitor pricing. However, we do not believe this is a material increase in risk as PFSs are already able to access current competitor pricing information. We believe that ensuring the data is as accessible as possible to all consumers and competitors will help maximise the benefits of increasing competition without increasing the risks of collusion.

Question 17: We propose that the aggregator should share the data with third parties through APIs or flat file transfer. Do you agree?

Summary of responses



We received 73 responses to this question.

77% (56 respondents) strongly or partially agreed that the aggregator should share the data with third parties through API or flat file transfer, 11% (8 respondents) partially or strongly disagreed and 12% (9 respondents) neither agreed nor disagreed.

30 respondents provided additional information. Of those that agreed, the consensus was that both formats would be suitable, but API is more tailored to live updates - allowing for the speed, accuracy and buildability that this scheme will need. Some respondents who agreed noted that there should be a limit on the data that is shared for a particular request and that data should be shared with all that want to access it.

Of the respondents that disagreed, one concern was that flat file transfer would allow for a mass file transfer which could be used uncompetitively by fuel retailers. Others disagreed with the scheme or sharing information freely more generally.

Government response

The government notes that the consensus in consultation responses was to make the data available to third parties via API and flat file and so we will continue with that. This will ensure that those wanting automatic updates of price change will have access to it. We recognise the

importance of consumers having near real-time data and so we will be requiring the aggregator to share data via API with third parties within five minutes of receiving the data from PFSs. The aggregator will also share the data twice a day by email with those that wish to access it.

Question 18: Are there particular restrictions we should impose on how the data is used by third parties?

Summary of responses

We received 52 responses to this question.

Of those that believed no restrictions should be imposed on the data, the main arguments for this were to promote maximum transparency which could then promote healthy competition between fuel retailers.

The majority of respondents believed there should be rules and restrictions imposed on the use of the data by third parties. The main concern was to restrict third parties from monetising the data by offering it as a paid for service or offering advertisement opportunities for paid placements for fuel retailers. It was noted that the former would not lead to free information for consumers and the latter would be unfair to retailers.

There was also a concern around ensuring the accuracy and timeliness of the price data on third party apps and websites. Suggestions were made to prohibit modification of the data by third parties and require third parties to clearly report the source of their data along with a timestamp of when the price was updated.

Some were concerned that the data could be used to create bad publicity for fuel retailers, and use of data to forecast or estimate retail prices. Similar to the previous question, the need for all parties to receive the data at the same time was reiterated, to avoid uncompetitive pricing behaviour.

Government response

The government proposed that that the full benefits of Fuel Finder can only be maximised when the data is shared freely and openly with all types of third parties. We remain committed to this and to achieve this we will explore the use of the Open Government Licence, or a version of that to ensure that the data can be accessed without any restrictions.

We note the concerns raised in the consultation around the third parties monetising this data, either through operating a paid service or offering advertisement opportunities for paid placement of fuel retailers, but the government does not want to dictate to third parties how they make money from their services. We will however explore ways to ensure third parties do not modify how the data is presented to consumers, for example placing and promoting a fuel retailer it has a commercial agreement with higher up than a retailer with a lower price. This will ensure we remain committed to the objectives of the scheme of promoting transparency for consumers, and ensure the data is used in a fair and reasonable way, without bias or commercial influence.

We also note the concerns around timely provision of the data to those that want to access it. This is why we will be requiring the aggregator to share data with third parties via API within five minutes of receiving the data from PFSs. We will also be asking third parties with consumer facing services to clearly show the reporting timestamp of the price being presented to consumers to ensure they are not misled.

Question 19: If the aggregator were to provide a price comparison tool for consumers, in addition to carrying out its aggregator role, would you have any concerns with this?

Summary of responses

We received 63 responses to this question.

68% (43 respondents) said they had no concerns with the aggregator providing a price comparison tool for consumers in addition to carrying out its aggregator function. Many in agreement caveated this by noting the conflict of interest – an aggregator could have an unfair advantage over other third-party apps and websites since it was collecting, aggregating, and sharing the data themselves. Many noted that this concern could be mitigated if sufficient safeguards were put in place so that the aggregator did not have early access to data for its app or website, or any other unfair advantage over third parties. Some noted that they did not mind who provided the service as long as it provided high quality and timely data.

Those in disagreement were also concerned about the conflict of interest presented. They also noted that the aggregator taking on this role could lead to crowding out of the price comparison market, pushing out existing or innovative services. Some mentioned that having the aggregator provide this service in addition would lead to increased costs of running the service which could lead to costs returning to consumers in the long run.

Government response

A key objective of Fuel Finder will be to provide opportunities for third parties to innovate with the data so that consumers can access it in a variety of ways. Whilst the majority of respondents stated they had no concern with the aggregator providing a price comparison tool, the government notes that these risks crowding the market and may disincentivise use of the data created via Fuel Finder. As such, the government will only be procuring a supplier for the aggregation service, not a price comparison tool as well.

However, we are aware that the successful supplier will have its own business model and as part of that it may decide to become a third party to use the Fuel Finder data for its own consumer facing service. As government, it would be difficult to prevent an aggregator from using the data in its own app or website given it is a private business. However, to mitigate the risks that such a scenario could bring we will ensure there are sufficient safeguards in place ensuring e.g. the funding the government gives the aggregator for procurement of its aggregation services are solely used for that and not passed on to its other activities, there is a clear separation between the aggregation service and consumer facing service, and that the aggregator does not prioritise sharing the Fuel Finder data with its own consumer facing

service before other third parties. We could also consider making this a condition in the contract to prevent the aggregator from using the data in its own app or website.

Question 20: Are there any considerations we should take for those consumers that are digitally excluded or less able to use digital price comparison tools?

Summary of responses

We received 48 responses to this question. The majority of responses suggested the following alternative methods to ensure consumers that are digitally excluded or less able to use digital price comparison and navigational tools could avail the benefits of Fuel Finder:

- local media (newspapers, radio and TV) to provide regular updates on fuel prices of local PFSs.
- text message service for consumers to text their post code and receive an update on fuel prices of local PFSs or for it to be automated so consumers that have signed up get regular updates on price changes.
- interactive voice response for consumers to call a number, provide their post code and find out fuel prices of local PFSs.

A few responses suggested:

- having a digital display sign in public locations with prices of local PFSs
- requiring all PFSs to display the average fuel prices alongside their own prices so that consumers could compare decide whether to buy fuel from there or not – this is something that has been recently mandated in Italy.

Some responses also noted that uptake of the data by third parties should increase transparency for consumers and lead to them making better informed decisions on where to buy fuel. This would put pressure on retailers to compete and help to lower fuel prices. If this is the case, all consumers would benefit from increased price competition in the fuel market and potential lower prices, regardless of whether they have used digital price comparison tools.

Government response

We believe that whilst consumers that are less technologically capable may be less equipped to use digital products, they should still benefit indirectly from the introduction of Fuel Finder as a result of the increased price competition it creates in the road fuel market.

The government notes the different ways the fuel price information can be made available to consumers that are digitally excluded or less able to use digital price comparison tools. We will leave this to relevant third parties who will be better placed to present this information to consumers of all types in different and innovative ways. We will encourage all types of third parties to consider how they can make this data available to those less digitally able or digitally excluded.

Question 21: Are there ways to make this data more accessible for consumers?

Summary of responses

We received 44 responses to this question. A lot of the responses were similar to the previous question.

Some responses focused on how digital price comparison tools could be made more accessible for consumers:

- easy to use and understand the information being presented.
- no restrictions e.g. no need to sign up, pay or subscribe to other unrelated services.
- ensure accessibility for consumers with physical or sensory impairments or learning difficulties for example by following accessibility guidelines, ensuring apps and websites are compatible with magnifiers, allowing users to enlarge font sizes etc.

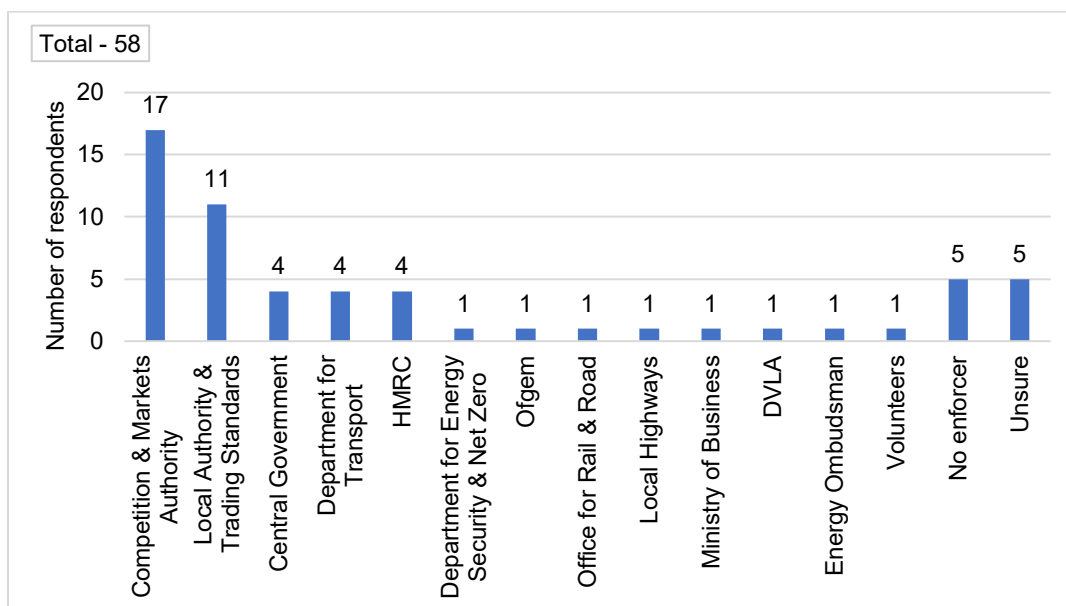
Government response

The government notes that the success of Fuel Finder is dependent on the data from the scheme being available to all and easily accessible. We cannot place restrictions or requirements on how third parties provide consumer facing services or present the data to consumers, however, we are confident that by providing the data free of charge via easily accessible options, the market will deliver these to consumers in an accessible way.

Enforcement

Question 22: Which public authority is best placed to be appointed as the 'enforcer' of the open data scheme?

Summary of responses



We received 58 suggestions in response to this question.

29% (17 respondents) suggested the CMA, indicating that this falls within its scope given the objectives of Fuel Finder is to increase competition and transparency for consumers. Respondents noted that given the CMA will be operating the road fuels monitoring function, so enforcing Fuel Finder would make sense as it has the necessary knowledge and understanding of the fuel market.

19% (11 respondents) suggested Trading Standards. Only one respondent provided further reasoning, indicating that Trading Standards already 'polices' prices and promotions in retail units. Several respondents, however, noted that it should be a central government agency and not local authorities/Trading Standards as they do not have enough funding. In addition, some noted that enforcement at a local level would be a postcode lottery.

Five respondents did not think this should be enforced. They indicated that there is no public authority with a track record of successful enforcement or one that could enforce this to the level required.

Government response

The success of Fuel Finder relies on having a clear enforcement approach which provides sufficient deterrence to ensure PFSs comply with the requirements whilst ensuring it is proportionate. We have assessed all the public authorities proposed in the consultation and have decided that the CMA is best placed to take on this role which was also the most supported by consultation respondents. The CMA has a pre-existing legal obligation to act reasonably and fairly in its actions, the requisite experience and expertise of the road fuels market, with its work on the road market study, interim voluntary open data scheme and interim monitoring of the market. Alongside this, the CMA has existing experience of enforcement of the competition regime.

We considered the alternatives put forward, however, many identified do not have the legislative remit to take on this enforcement without needing primary legislation which would slow down the implementation of Fuel Finder. Alongside this, many public authorities do not have the existing knowledge of the sector. It would also not be appropriate for a central government department to undertake the enforcer role as this is typically done by regulators. In addition, with Trading Standards, enforcement would be done at a local level which could lead to inconsistencies in approach across the UK. In contrast, the CMA is a UK wide public authority and has the relevant expertise and experience. In addition, as one of the objectives is for Fuel Finder to increase competition between fuel retailers, it makes sense for the CMA, as the competition regulator to undertake the enforcer role.

Appointing the CMA will consolidate the enforcement of Fuel Finder alongside its responsibility of undertaking the monitoring function. This will ensure that existing resource and expertise are utilised and minimise the overall costs to the government.

Question 23: Do you have views on the overall proposed approach to the enforcement of the open data scheme outlined in this section?

Summary of responses

We received 43 responses to this question.

Many respondents noted that enforcement action needed to be fair, proportionate, consistent, and reasonable with action only taken where there is evidence of persistent breaches and not for accidental errors. Many were keen that any minor delays in reporting would not result in a significant punishment, and that PFSs are not penalised for circumstances over which they have no control such as a systems failure.

Several respondents felt that enforcement and civil penalties are not necessary, as there will be a significant reputational risk to any PFS if it were to report incorrect prices, and so would provide an incentive for PFSs to comply with the scheme. Some noted that if any sanctions were introduced, they should be limited to scenarios in which a fuel retailer wilfully and without reasonable excuse fails or refuses to report prices. Some respondents noted that any introductions of sanctions should be paired with robust measures to combat forecourt crime.

Some respondents did advocate for thorough and tough enforcement measures to be introduced, so that consumers are assured of the integrity of the data and that robust action will be taken against PFSs that do not comply with the scheme.

Government response

The government is absolutely clear that robust enforcement is necessary to ensure compliance with Fuel Finder and its success. However, we are also in agreement with the consultation responses that any enforcement taken should be fair, proportionate, consistent, and reasonable in line with the CMA's existing public law duties. Liability for compliance will in principle follow responsibility for reporting prices, so that the registered data holder (whether central office or individual PFS site) is responsible, subject to ensure enforcement is effective. Enforcement action will be carried out within the discretion of the enforcer, in accordance with published guidance.

There will need to be a high bar for any penalties imposed. The Data (Use and Access) Bill sets out that regulations may make provision for a financial penalty to be imposed by an enforcer in respect of:

- the provision of false or misleading information in response to a request made in accordance with regulations.
- a failure to comply with a requirement imposed by data regulations.
- a failure to comply with a requirement imposed in exercise of a power conferred by regulations.
- a failure to comply with a requirement imposed by a compliance notice.

The Data (Use and Access) Bill sets out that the regulations may make provision for criminal offences in respect of:

- the provision of false or misleading information in response to a request made in accordance with regulations.
- an act or omission (including falsification) which prevents an enforcer, an interface body or a decision-maker from accessing information, documents, equipment or other material.

The role of the aggregator

The aggregator will have a key role in supporting compliance of Fuel Finder and will work closely with the CMA, as the enforcer on this. The aggregator will be the first point of call to deal with any potential issues of non-compliance identified. It will do this by:

- assessing the completeness and quality of information it receives from PFSs.
- providing a mechanism for consumers and others to report any complaints of inaccurate price reporting.
- working with third party consumer facing services to obtain information on complaints from consumers of inaccurate price reporting.

Where an aggregator identifies a potential non-compliance, it will be required to undertake the initial engagement with the data holder (relevant central office or individual PFS site) who is responsible for reporting. The aggregator will work with them to understand the issue, what led to the situation, and work with them to ensure the PFS can comply with the requirements.

The aggregator will be required to report all instances of non-compliance to the CMA over a de minimis threshold based on the guidance that the CMA will publish and consult on. Where the aggregator escalates the alleged breach, it will need to prepare a case file with all the information and share it with the CMA. The CMA will then use its discretion regarding which cases to request additional information from the aggregator for.

The role of the CMA as the enforcer

Through the regulations, we will give the CMA powers of investigation so it can determine if the alleged breach was a breach upon which enforcement action should be taken. This will include powers to:

- request documents/information from PFSs.
- require persons to attend interviews.
- powers of entry, inspection, search, and seizure

The CMA will consult on draft guidance on how it proposes to exercise its functions as the enforcer, including how it plans to exercise any discretion to determine the amount of a financial penalty – ahead of publishing the final guidance. In line with the CMA's existing public law duties, the CMA's approach to enforcement will be fair and proportionate, consistent, and reasonable.

To ensure there is a clear and fair process leading up to any enforcement action. The regulations will make provisions for the CMA to take the following steps:

- use its powers of investigation to obtain further information to understand the alleged breach.
- issue a compliance notice if it believes the non-compliance requires enforcement, requiring the PFS to comply with the obligations under the regulations. This will set out what action is required and by when to address this. The CMA can enforce the compliance notice as if it were an order of the court.
- publish a statement to the effect that it considers that a person is not complying with data regulations or with a compliance notice.
- use its discretion when deciding whether to issue a financial penalty for non-compliance with the requirements for data holders set out in the SI. However, before imposing this, the CMA must give the person written notice of intent of the proposed financial penalty.
- give the person an opportunity to make representations about the proposed enforcement action.
- give a written final notice if the CMA decides to give the penalty after considering any representations.
- ensure there are procedures for the handling of complaints.

In addition, the regulations will make provisions for an appeals process to a court or tribunal via the CMA's existing use of the Competition Appeals Tribunal, in relation breach or sanction of the regulation.

Question 24: What factors should the 'enforcer' take into consideration before imposing civil penalties?

Summary of responses

We received 51 responses to this question.

Many respondents noted similar factors that should be considered before the imposition of civil penalties. These were:

- intentional non-compliance or a refusal to participate in the scheme.
- scale and severity.
- repeated non-compliance.
- whether reasonable efforts or action taken to rectify the issue and the timeliness of attempts to rectify the issue.
- circumstances outside of the fuel retailer's control that should be considered e.g. an emergency, temporary closure, systems failure.

Several respondents indicated that the size of the business should be considered to avoid disproportionately impacting a smaller business. Some also noted that any enforcement action

needs to be balanced against the risk of a PFS exiting the market, which would result in decreased competition and worse outcomes for consumers.

Some respondents stated that the enforcer should be required to publish guidance so that fuel retailers are clear from the outset on how this will work.

Government response

The government has considered the feedback on what factors the CMA, as the enforcer, should consider before imposing civil penalties.

In the government response to question 23 we have set out the high-level approach the CMA will be expected to take to ensure enforcement is proportionate whilst being robust.

The CMA will also be required to develop guidance on how it proposes to exercise its functions as the enforcer including how it plans to exercise any discretion to determine the amount of a financial penalty. The CMA will consult on this guidance ahead of publishing the final guidance.

Question 25: What should be the range and level of civil penalties? Please provide reasons.

Summary of responses

We received 50 responses to this question.

Two recurring themes in the responses were that penalties should be progressive with a tiered system of sanctions, or that it should be linked to the revenue or profit of the business.

Responses to this question largely fell into two types of fines, a fixed fine or a turnover based fine. Of those that proposed a fixed fine, there was a range of what the maximum could be, ranging from £100 to £10 million per day. They also noted that the enforcer should incrementally increase the penalties over time, up to a maximum amount. For example, a respondent suggested that first and second offences should be handled by working with the retailer to get them up to speed. Instances of non-compliance after that should be met with an increased level of fine. Some respondents gave examples of existing sanctions regime that we should mirror, including the CMA's fines available in the Enterprise Act 2002 (£15,000 daily and/or £30,000 fixed amount), and the sanctions available to the Queensland and Austrian governments for their transparency schemes.

Of the respondents that proposed turnover based fines, there was a range of what the maximum could be, ranging from 1% of daily turnover to 50% of weekly profits. Many of those proposing turnover based fines noted that these would provide for a more proportional sanctions regime. However, there were several responses that disagreed with turnover fines, with one respondent indicating that given the scope for human error by site staff without malicious intent in the process, it should not warrant turnover based fines.

Government response

The government has carefully considered the responses put forward.

The Data (Use and Access) Bill sets out that regulations may make provision for a financial penalty to be imposed by an enforcer in respect of:

- the provision of false or misleading information in response to a request made in accordance with regulations.
- a failure to comply with a requirement imposed by data regulations.
- a failure to comply with a requirement imposed in exercise of a power conferred by regulations.
- a failure to comply with a requirement imposed by a compliance notice.

We will set out in the Fuel Finder regulations provision for a financial penalty to be imposed in respect of the above points. The government considers that turnover based penalties would be the most suitable solution to encourage compliance with Fuel Finder, provide sufficient deterrence and ensure penalties do not disproportionately impact small PFSs. The civil penalties for Fuel Finder will align with the turnover based penalties that are available to the CMA for the road fuel monitoring function and wider competition regime as per the Digital Markets, Competition and Consumers Act 2024.

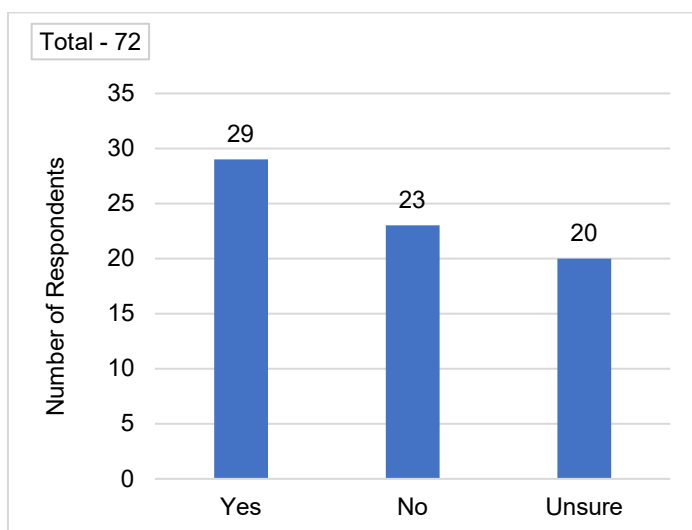
The CMA will be able to impose civil penalties of:

- fixed amount up to 1% of worldwide turnover, or
- a daily rate up to 5% of daily worldwide turnover, or
- a combination of both.

The CMA will determine, consult and issue guidance on how the penalties will work.

Question 26: Should the government consider criminal offences for exceptional circumstances?

Summary of responses



We received 72 responses to this question. 40% (29 respondents) agreed with criminal sanctions for exceptional circumstances, 32% (23 respondents) did not agree and 28% (20 respondents) were unsure.

40 respondents also provided additional information.

Of the respondents that agreed, many indicated that criminal sanctions should only be used in exceptional circumstances and based on a fuel retailer's intention. For instance, where a pattern of behaviour is blatant, persistent, deliberately fraudulent, dishonest or there is consistent manipulation of the system, responses indicated they should be used.

Of those that disagreed, many stated that they did not consider that criminal offences or penalties were warranted for the scheme given that criminal sanctions should be limited to actions that are egregious forms of corporate and individual non-compliance, which are not relevant here. Many respondents stated that civil sanctions would provide a proportionate deterrent that obviates the need for criminal sanctions.

Government response

The government agrees with the majority of respondents that criminal offences should only be possible for exceptional circumstances. We see criminal sanctions as a necessary deterrent to more serious offences being committed and to encourage compliance with the regulations.

The Data (Use and Access) Bill sets out that the regulations may make provision for criminal offences in respect of:

- the provision of false or misleading information in response to a request made in accordance with regulations.
- an act or omission (including falsification) which prevents an enforcer, an interface body or a decision-maker from accessing information, documents, equipment or other material.

We will set out in the Fuel Finder regulations provision to make criminal offences in respect of the above points. The government has decided that if a criminal offence is committed, on summary conviction in England and Wales, for this to be punishable with an unlimited fine, and on summary conviction in Scotland or Northern Ireland, impose a fine not exceeding the statutory maximum (£10,000 & £5,000 respectively).

The CMA will be required to develop and consult on draft guidance on how it proposes to exercise its functions as the enforcer.

Question 27: How can we best support PFSs to ensure compliance with the requirements and regulations of the open data scheme?

Summary of responses

We received 53 responses to this question. The key points raised were:

- the government or the aggregator should work with PFSs to develop the reporting requirements and the technical architecture of the scheme. This would help to raise any potential issues or concerns with reporting at the earliest opportunity, to ensure mitigations could be built in.
- clear public facing communications to set expectations.
- publish clear guidance to help PFSs to understand their reporting obligations under the scheme. This could include training materials, communications and how reporting will work in practice.
- make it as easy as possible for reporting the data in a simple way.
- provide a helpline for PFSs to contact the aggregator, so it can be easily notified of any issues.

Alongside this, many respondents indicated that the scheme should be subject to a period of transition before the legal requirement to report comes into force. This would give PFSs a grace period to ensure systems are updated and to get accustomed to the reporting requirements. A few respondents suggested a 12-month implementation period from when enforcement guidance is published.

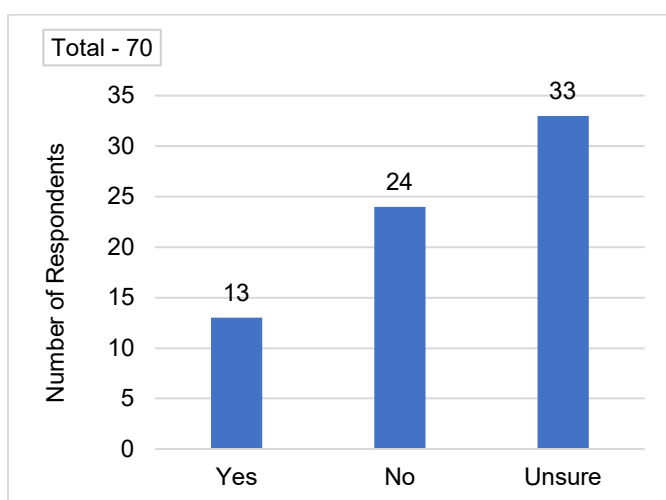
Government response

Government response for question 27 is combined with the government response to question 30 given similar issues were raised for both questions.

Funding

Question 28: Should we explore partial or full levy funding, subject to the provisions in the legislation?

Summary of responses



We received 70 responses to this question. 47% (33 respondents) were unsure about whether or not we should explore partial or full levy funding for this scheme. 34% (24 respondents) disagreed and 19% (13 respondent) agreed.

Of those that responded 41 provided additional info.

The main reasons respondents disagreed with exploring a full or partial levy were:

- would be an additional cost on fuel retailers who already have tight margins on top of the costs of complying with the scheme.
- concern that the increased costs to fuel retailers would be passed onto consumers at the pump and would therefore undermine the purpose of the scheme.
- additional costs would be disproportionately felt by small/ independent/ rural fuel retailers making business less viable for them.

Many also felt there was not sufficient information in the consultation on how a levy might work and felt it would require a further consultation if it were to be considered further.

Those in favour of exploring levy funding, noted that fuel retailers might benefit from increased exposure of their business to consumers, while others noted the costs of the scheme were unlikely to be large so levy funding should be explored further.

Question 29: What are the risks and challenges of a levy?

Summary of responses

We received 44 responses to this question, however, similar themes to those raised in Q28 were mentioned here too.

The only different point that was raised is that if a levy were to be imposed on fuel retailers for the administration of the scheme, the data provided by fuel retailers would be monetised by third party apps and websites by generating advertising revenue.

Government response for questions 28 and 29

The government notes that whilst some respondents were supportive of the government exploring placing a levy on the fuel industry to fund Fuel Finder, a significant proportion were unsure, and more respondents disagreed with government exploring this further. After careful consideration we have decided that both the aggregator and enforcer of Fuel Finder will be funded by government.

As many noted in response to the consultation, the imposition of a levy would add costs to PFSs in addition to those required in order for them to comply with the reporting requirements. Given the risk this additional cost could be passed onto consumers, negating the positive impact of introducing Fuel Finder, we do not think it is appropriate. In addition, given the relatively small amount of funding that would be required compared to other government policies where a levy is imposed, a levy model for Fuel Finder would be disproportionate.

Challenges and risks

Question 30: What can the government do to support PFSs with the transition to the statutory open data scheme, in advance of it coming into force and during its operation?

Summary of responses

We received 51 responses to this question. Most respondents provided similar responses on the support the government and/or aggregator could provide to PFSs to help transition to the statutory requirement. They covered:

- providing PFSs with sufficient notice before the statutory requirement comes into force, most suggested a year would be an appropriate time, to enable PFSs to be ready for the scheme.
- having a trial or pilot period before the statutory requirement to report comes into force. This would help PFSs prepare, get ready and test the system before it is formally launched and without the fear of penalties being imposed.
- having clear communications from the outset on the required expectations and then continued engagement throughout
- ensuring the system that the aggregator develops, and implements is simple and easy to use.
- ensuring PFSs have IT and technical support. This would help PFSs, particularly those that are smaller or do not have the right infrastructure to better prepare for the requirements and develop appropriate IT solutions.
- providing PFSs with training, guidance and resources
- providing an ongoing helpline for PFSs to call for assistance if they have issues during the implementation phase.

A few responses also noted that some PFSs will need to upgrade their IT systems and funding should be provided to them either by government or by the larger fuel retailers.

Some responses also noted that setting up and running Fuel Finder would be a big undertaking and so the government should appoint an appropriate aggregator who has the experience, capability and capacity to deliver such a scheme to avoid PFSs having to deal with unnecessary burden and bureaucracy.

Government response for Q27 and Q30

The government understands that Fuel Finder will be a new requirement and could present challenges for PFSs. We welcome the suggestions for how we can support PFSs as the success of Fuel Finder relies on compliance by PFSs and so we are strongly of the view that it is important we provide as much support as possible.

The government is keen to implement Fuel Finder as quickly as possible to provide consumers with the most accurate and easily accessible fuel price information. However, this is subject to parliamentary timings, and so the government's aim is to launch Fuel Finder by the end of 2025. This lead-in time will give PFSs sufficient time to prepare for the reporting requirements before Fuel Finder is launched as requested by many respondents to the consultation.

To support PFSs with Fuel Finder, we plan to do the following:

- procure for a suitable supplier to run the aggregation service via the standard and rigorous government procurement process that will have the necessary skills, experience, capabilities, and capacity to meet our expectations for Fuel Finder and deliver a service that works for PFSs, third parties and delivers for consumers. We will issue an Invitation to Tender in early 2025 to procure the aggregator, giving it sufficient time to develop a robust, effective and efficient service ahead of the launch of Fuel Finder.
- set clear and robust key performance indicators that the aggregator will need to meet.
- the aggregation service will undergo a development and testing process as part of the government-mandated agile processes to guarantee it meets the service standard before implementation, ensuring it hits the key performance indicators that helps assure us that the aggregator will be able to deliver a robust service.
- require the aggregator – as part of the testing process - to conduct user research to develop and refine the service.
- for the aggregator to be required to provide guidance to PFSs and third parties, ongoing training and support to PFSs so they can comply with the requirements.
- the CMA as the enforcer will take a proportionate approach to enforcement and will consult on draft guidance to PFSs.

Question 31: What further mitigations should we consider to reduce the risk of price collusion?

Summary of responses

We received 46 responses to this question.

Some respondents misunderstood what price collusion is and believe this is when PFSs make decisions on price based on their competitor PFSs' prices. Many respondents highlighted that the CMA's road fuel market study⁷ had found no evidence of price collusion.

Most respondents felt the measures proposed in the consultation were sufficient. A large number of respondents suggested that monitoring the market for price collusion would mitigate against this, as well as having robust penalties for such activity.

⁷ Competition and Markets Authority, Supply of road fuel in the United Kingdom market study, Final report, July 2023

A few responses suggested that further consideration should be given to the Austrian fuel price transparency scheme which prevents PFSs from increasing prices more than once a day but has no limits on price decreases. This could reduce the risk of price collusion and provide additional protections for consumers as there would be a guarantee that a price could not increase again on the same day between the consumer checking the tool and travelling to the PFS. An alternative to this was that PFSs should be required to report how many times in a single 24-hour period they have increased prices as this could act as a deterrent to unfair pricing practices.

Question 32: Are there any other risks that we have not considered?

Summary of responses

We received 42 responses to this question. Most of them were not aware of other risks. Some of the key risks mentioned were:

- **Capacity and capability of the aggregator:** given the huge volumes of data the aggregator will be dealing with from multiple sources, incoming and outgoing, it will be crucial to appoint an aggregator that is able to handle this so that the objectives of Fuel Finder can be met.
- **Financial and administrative burden on fuel retailers:** if the burden imposed through the scheme is significant, this may force independent fuel retailers out of the market, such an exit could have the opposite impact on competition to the one sought through the scheme and impact the UK's energy resilience infrastructure. It could create 'fuel deserts' that would leave some areas of the country without PFSs and introduce additional time, financial and environmental costs for those in the community in terms of travelling further to refuel. This would put more strain on the remaining infrastructure.
- **More frequent price changes:** the ability for PFSs to see competitor PFSs price even more easily through such a scheme, could result in fuel prices changing more frequently than they are today, even multiple times a day. This volatility could lead to drivers checking the price before setting off and by the time they've reached, the price has changed leading to confusion. Some respondents noted that this was a risk but existing price comparison tools already provide this type of service for PFSs to see each other's prices and so the mitigation would be to ensure this is monitored by the CMA as part of its monitoring function. Others suggested that price changes should be capped in a day to mitigate against the risk.
- **Data quality and accuracy:** there is a risk if PFSs do not submit high quality data in terms of formatting and consistency or inaccurate data this could lead to third parties and consumers not trusting the scheme. To ensure high quality data is submitted, the mitigation suggested was to ensure the aggregator has clear data cleansing and validation processes in place so it can spot simple data errors before sharing the data with third parties. To mitigate the risk of inaccurate data, adequate customer complaints processes should be set up so that consumers can flag incorrect price information swiftly.

One respondent raised that fuel prices are a critical component of inflation statistics, economy and transport analysis and questioned how the availability of the Fuel Finder data would impact official government statistics.

Government response to questions 31 and 32

The government understands that the introduction of Fuel Finder comes with risks, and we are keen to mitigate these as much as possible ahead of implementation and during the operation of the scheme.

The government takes the risk of price collusion seriously. We do not believe that limiting the number of price changes PFSs can make during a day is appropriate, despite respondents' views that it may mitigate against price collusion or the potential for multiple price changes. This would effectively be price regulation which the government does not consider an appropriate response to the issue raised by the CMA, which did not recommend such an approach in its market study. In addition, fuel retailers already monitor their competitors' prices and factor this into pricing decisions. We believe we have designed Fuel Finder in a way to sufficiently safeguard against the risk of price collusion by:

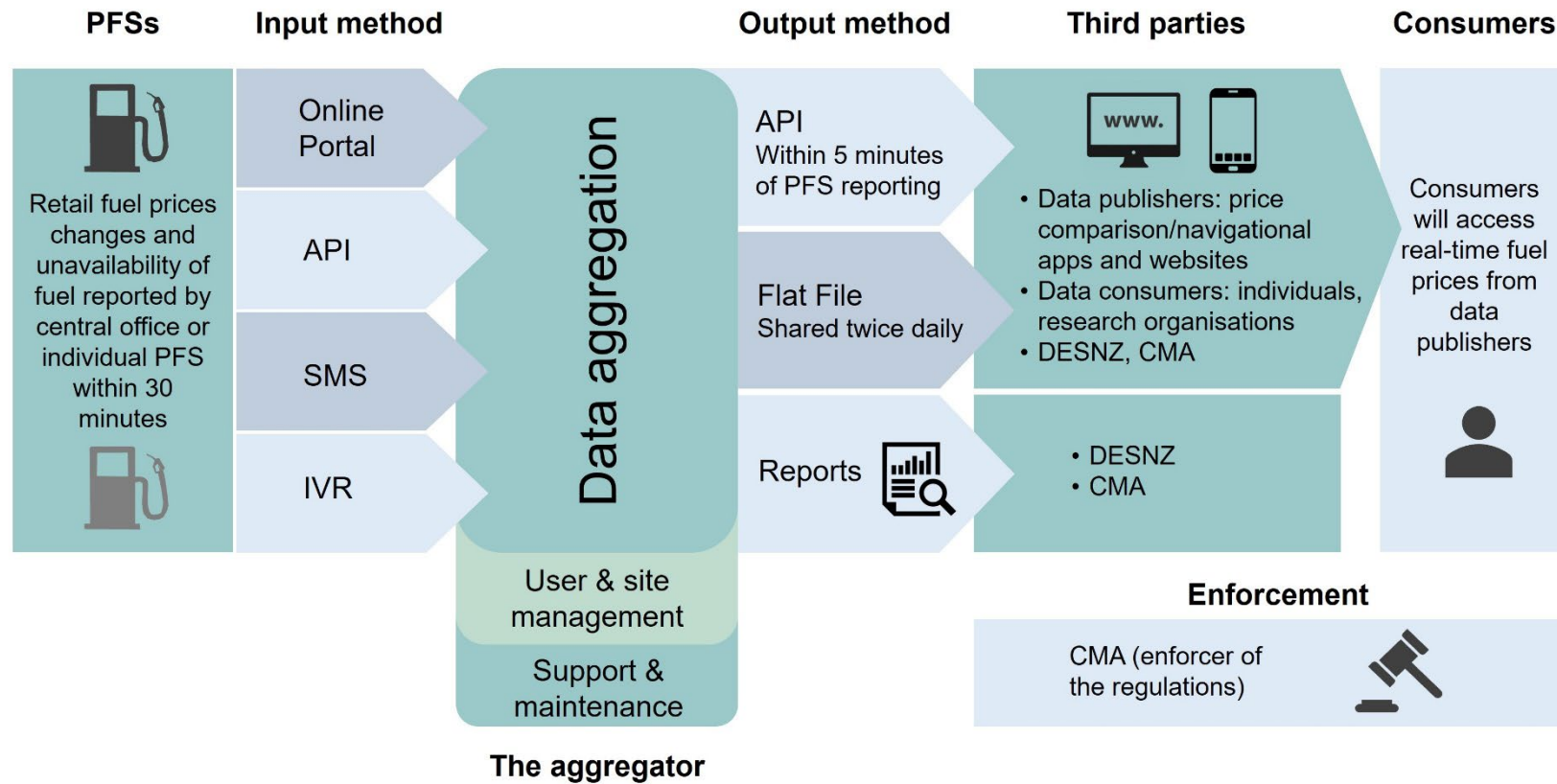
- mandating that all retail PFSs in the UK participate in the scheme to ensure full coverage and a level playing field for all PFSs.
- outsourcing the collection, validation and sharing process to an external aggregator to prevent direct exchange of information between PFSs.
- ensuring disclosure of current prices rather than future pricing intentions to reduce the commercially sensitive information being shared.
- making data available openly and freely so that it is as accessible as possible to all competitors and consumers and guarantee parity of information available.
- setting out enforcement plans against non-compliance to ensure accurate information is reported promptly.
- creating a monitoring function within the CMA would monitor road fuel prices and be able to provide advice to the government on the need for potential interventions to improve competition or consumer outcomes.

We recognise the risks related to the added financial and administrative burden that we are placing on PFSs with these new requirements. We are cognisant that the reporting requirements may have a disproportionate impact on smaller, rural, and independent retailers. To mitigate this risk, we will require the aggregator to work with all scales and types of PFSs as it develops the service. Furthermore, we believe that the variety of reporting methods we are offering helps ensure that PFSs of all sizes and types have the ability to report prices in a cost and resource effective way and should not be disproportionately felt by smaller or rural PFSs.

We have set out earlier in this document how we plan to manage the mitigate the risks of ensuring a suitable supplier is appointed to provide the aggregation service and the aggregator's role in ensuring data quality and accuracy.

With regards to the point raised about official government statistics - any changes to the compilation or source data for government statistics would be subject to detailed consideration of the impact on quality and use of the statistics and would be carried out in line with the Code of Practice for Statistics.

Overall design of Fuel Finder



CMA monitoring function

Purpose

Question 33: We expect the transition to net zero to be a particular issue the monitoring function takes into account whilst carrying out its role and considers the impact of. What are your views on this?

Summary of responses

We received 50 responses to this question which were mixed.

Some of those who responded said that net zero should not be factored into the CMA's monitoring function work.

We also received responses stating that net zero sat outside of the remit of the monitoring function and this would go beyond the original policy intent. Some noted that the focus should be limited to competition in the road fuel retail market, as recommended in the CMA market study. It was noted that it is unlikely the function would have information or insights to understand and respond to challenges emanating from the transition to net zero.

Some said that looking into net zero could potentially deter investment in newer and net zero technologies. Whilst some noted that net zero has a bearing on the fuel market, the monitoring function should not track competition in the electric vehicle market as this is separate and would go beyond the remit of the function. Respondents also stated that the function's reports should be focused on stating facts, rather than being speculative.

Respondents who agreed with the proposal noted that the transition toward net zero may affect retailers' incentives to invest in road fuel technology or present challenges to fuel retailers. This may lead to changes in consumer behaviour or preferences, and it will have an impact on fuel volumes sold relative to use of electric vehicles. Respondents noted the impact of the transition would more likely be felt by less well-off consumers.

Government response

We would like to make clear that the focus of the CMA monitoring function will solely be on what was recommended in the CMA's road fuel market study⁸.

The CMA monitoring function will report on the state of the UK road fuels market and will provide the UK government with an ongoing assessment of competition. The CMA's market study recognised that the transition to net zero will have a 'transformational impact on the road fuel industry', both through the sale of internal combustion engine vehicles and through the impact on fuel retailers. Given that the transition toward net zero will have an impact on competition in the road fuels market, we believe that the monitoring function should factor this

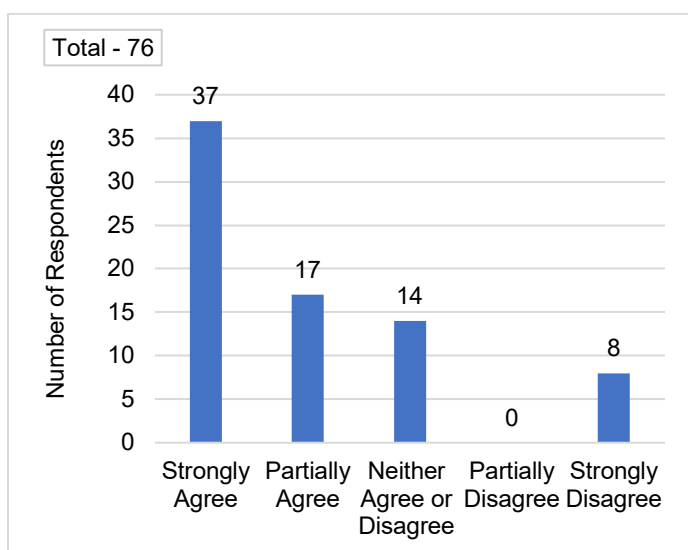
⁸ Competition and Markets Authority, Supply of road fuel in the United Kingdom market study, Final report, July 2023, page 174

into its assessment of competition. This does not mean the CMA will look at how fuel retailers are doing to meet various net zero targets and is simply so that its assessment of competition is appropriately contextualised. The CMA will consult on draft guidance on how it will exercise its information gathering powers relating to its monitoring function.

The government will be responsible for monitoring and evaluation of Fuel Finder, and as part of that we will consider the wider impacts of the scheme, including on net zero.

Question 34: We propose that the monitoring function publishes an annual report, with two or three more focused updates during the year. Do you agree with this approach?

Summary of responses



We received 76 responses to this question.

71% (54 respondents) strongly or partially agreed with the proposal to publish an annual report, with two or three focused updates during the year.

Some respondents asked for more frequent reporting, one suggestion was a monthly report detailing any noticeable trends, split on regional and national basis. However, some noted that any more reporting than proposed could be repetitive and overly burdensome. Some respondents stated the frequency of topical updates should be reviewed annually.

Respondents who strongly disagreed with the proposal stated that the reporting frequency outlined added more bureaucracy and questioned the benefit of additional reporting beyond Fuel Finder.

Government response

The CMA will publish an annual report with three further updates during the year. Given the short-term movements in the road fuels retail market, more frequent reporting would limit the quality of the analysis and the insights needed to allow the CMA to comment on trends. Less frequent reporting would mean the reports soon become out of date and are less useful if there

are issues or events that occur in the market. This is broadly in line with international counterparts, such as the Australian Competition and Consumer Commission, which have tried different frequencies and found reporting every three or four months to be the optimal frequency.

Question 35: What topical issues or themes should the monitoring function examine?

Summary of responses

We received 49 responses to this question.

Many respondents focused on competition issues related to the retail road fuels market. The most raised theme was the disparity of prices between regions and local areas, with a suggestion that PFS availability in rural areas should be considered and the price discrepancy between Great Britain and Northern Ireland. The second most mentioned theme was the impact of wholesale price on retail price of petrol and diesel, which will support in assessments of fair pricing. Respondents also wanted the monitoring function to consider geopolitical issues influencing prices, upstream factors on the retail price, price fluctuations and impact on vulnerable consumers. Many were keen for the monitoring function to focus on consumer issues, for example, a comparison of costs between different retailers or fuel types. Other themes were 'no means to pay' the process to ensure payment from customers who fill up and claim they cannot pay, 'bilking' in which customers fill up and drive off the forecourt with no intention of paying and hand car wash standards.

Some respondents took a future focused view and stated that the monitoring function should report on the impact of the transition to net zero is having on the sector, with some suggesting a focus on the increase in operating costs and impacts on profitability this will have.

Many respondents wanted the monitoring function to report on the impact of the introduction of Fuel Finder. These covered a range of issues: the effectiveness of Fuel Finder, how many consumers are using the data, impact of compliance on fuel retailers, and potential unintended consequences of greater price transparency, such as a more aggressive consumer base arising from potential price discrepancies.

Question 36: How should the monitoring function decide on what topical issues or themes to focus on?

Summary of responses

We received 39 responses to this question. Many respondents stated that the monitoring function should consult with the public and key stakeholders when deciding the themes its topical reports should focus on. Some respondents stated this should be done via a public consultation, whilst others suggested this could be done in collaboration with industry, via some form of a steering group or regular meetings to propose issues that fuel retailers deem as pertinent.

Many respondents stated that the monitoring function should use its discretion when deciding on what themes to report on caveated with it should engage with industry in an open way.

A suggestion from one respondent was that the monitoring function must set out a clear Terms of Reference, and it needs to be accountable to Parliament but independent from Government. A few respondents suggested that the CMA should use its usual monitoring to identify specific trends that are affecting competition in the road fuel retail market.

Government response to questions 35 and 36

The CMA's annual report will focus on the state of competition in the petrol and diesel markets and whether the market is working for consumers. It will include coverage of price and margin trends; regional pricing variations; analysis of changes in local market concentration; commentary on the progress of Fuel Finder and consider the intersection of the petrol and diesel markets with the development of zero carbon and transport technologies and markets.

The three updates during the rest of year will focus on prices, costs and margins; retail and refining spreads for both petrol and diesel markets; and information on price trends across the UK and over time.

In the short-term, the CMA may be unable to cover all of the areas above until Fuel Finder is in operation. As part of the CMA's ongoing assessment of competition, we expect the CMA to assess which topical issues would be appropriate to cover in its report. The CMA will continue to engage with relevant stakeholders as part of this process.

Information-gathering powers

Question 37: How can the government and the CMA support businesses to comply with requests for information?

Summary of responses

We received 43 responses to this question. They covered the following suggestions:

- ensure responding to information requests is made as simple as possible, some suggested that the CMA should provide an interface with which fuel retailers could respond to information requests.
- provide guidance and support to retailers to comply with information requests.
- ensure requests for information are proportionate, infrequent and have a clear purpose with clear and reasonable timelines to respond.

Some respondents stated that the CMA should have clear enforcement powers so fuel retailers are aware of the repercussions and when they may face enforcement action. We also received a suggestion that the aggregator and monitoring function should share information to ensure that fuel retailers are not duplicating efforts.

Government response

The government is committed to the CMA's statutory information gathering powers for its road fuels monitoring function (contained in the Digital Markets, Competition and Consumers Act 2024) and aims to commence these provisions by January 2025.

The CMA will be expected to use its information gathering powers in a similar way as its existing powers and avoid imposing unnecessary burdens on businesses when requesting information. The CMA will also consult on draft guidance on how it will exercise its information gathering powers.

Next steps

We have set out below the indicative timings for delivery and implementation of Fuel Finder and the CMA monitoring function. **Please note some of these timings are only provisional and subject to change.**

Fuel Finder

The government is keen to implement Fuel Finder as quickly as possible, however, timings are dependent on parliamentary timings and process; therefore, we cannot provide exact timings of implementation at this stage.

The Data (Use and Access) Bill will provide the legislative basis to establish Fuel Finder through regulations. Subject to parliamentary timings, the government’s aim is to launch Fuel Finder by the end of 2025. This lead-in time will give PFSs sufficient time to prepare for the reporting requirements before Fuel Finder is launched. The below timings are provisional and subject to change.

Indicative timing	Milestone
23 October 2024	<ul style="list-style-type: none"> Introduction of the Data (Use and Access) Bill
30 October 2024	<ul style="list-style-type: none"> Publication of government response to road fuels consultation (this document)
Early 2025	<ul style="list-style-type: none"> Publication of Invitation to Tender to procure an aggregator
During 2025	<ul style="list-style-type: none"> Aggregator develops Fuel Finder aggregation service
TBC	<ul style="list-style-type: none"> Royal Assent of the Data (Use and Access) Bill
TBC	<ul style="list-style-type: none"> Lay regulations to establish Fuel Finder and publish necessary guidance
By end 2025	<ul style="list-style-type: none"> Launch of Fuel Finder

CMA monitoring function

The following timeline sets out the key milestones since the road fuels consultation closed in March 2024 and upcoming milestones for the CMA’s monitoring function.

Timing	Milestone
24 May 2024	<ul style="list-style-type: none"> Royal Assent of the Digital Markets, Competition and Consumers Act 2024 which gives the CMA statutory information gathering for its road fuels monitoring function.
11 July – 23 August 2024	<ul style="list-style-type: none"> CMA consultation on Administrative Penalties: Statement of Policy on CMA’s approach
26 July 2024	<ul style="list-style-type: none"> Publication of the CMA’s third road fuel interim monitoring update
30 July – 10 September 2024	<ul style="list-style-type: none"> DBT-led consultation on regulations for determining turnover for penalties across the Digital Markets, Competition and Consumers Act 2024
30 October 2024	<ul style="list-style-type: none"> Publication of government response to road fuels consultation (this document)
November 2024 (TBC)	<ul style="list-style-type: none"> CMA consultation on guidance for information gathering powers
By January 2025	<ul style="list-style-type: none"> Commencement of the CMA’s road fuels monitoring powers in the Digital Markets, Competition and Consumers Act 2024 Publication of CMA’s guidance Administrative Penalties: Statement of policy on CMA’s approach

Annex: List of respondents

The list below sets out a list of 38 organisations that were content to be named as a respondent to the consultation.

- The AA
- Asda Stores Ltd.
- Association of Convenience Stores (ACS)
- Automate App Ltd. / Petrol Prices
- BP
- The Competition & Markets Authority
- C Campbell Insight Ltd
- Community Transport Association (CTA)
- Confused.com
- The Consumer Council for Northern Ireland
- Edge Petrol Ltd.
- Education Matters!
- Esso Petroleum Company Limited (EPCo)
- FASET Ltd.
- Fuel Prices Ltd.
- Fuels Industry UK (FIUK)
- Go.Compare
- Google
- Harrod Booth Consulting
- IAM RoadSmart
- IFSF
- Informed Solutions Ltd.
- Informed Sources
- Madic UK
- Microsoft Corporation
- Moto Hospitality Ltd.
- MQAS Europe Ltd
- MSS Media Limited

- Park Farm TARA
- Petrol Retailers Association (PRA)
- RAC Foundation
- RAC Motoring Services
- Royal Mail
- Sainsburys
- SHELL U.K. Ltd.
- Snoop
- SWC
- Tesco

We also received 41 responses from individuals and a few other organisations who asked for them to not be named.

This publication is available from: www.gov.uk/government/consultations/empowering-drivers-and-boosting-competition-in-the-road-fuel-retail-market

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