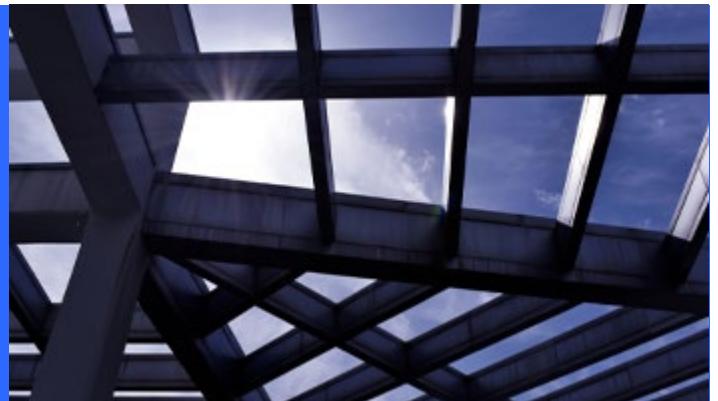


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The logo for Gibson Dunn, featuring the company name in a bold, white, sans-serif font against a solid blue background.A photograph of a modern building's interior, looking up through a large glass and steel structure at a bright, cloudy sky. The image is partially obscured by a black horizontal bar containing text.

Consumer Protection Update

February 18, 2026

UK CMA's New Consumer Protection Regime Starts to Show Its Teeth

The Competition and Markets Authority has signaled that it is ready and willing to engage the “stick” element of its “carrot and stick” approach to consumer protection and is gearing up for further enforcement action.

On 7 April 2025, new consumer protection provisions under the Digital Markets, Competition and Consumers Act 2024 (DMCCA) came into force, giving the Competition and Markets Authority (CMA) the ability to deliver more effective consumer protection in the UK.

Since that date, the CMA has had the power to decide whether consumer protection laws have been infringed (rather than litigating through the courts) and to tackle any breaches directly, including through consumer redress and fines.

When the new powers came into force, the CMA set itself a list of “target behaviour” on which to focus, namely:

- aggressive sales practices that prey on consumers in vulnerable positions
- fees that are hidden until late in the buying process
- information being given to consumers that is objectively false
- unfair and unbalanced contract terms

- behaviour where the CMA has already put down a clear marker through its previous enforcement work, such as on drip pricing and fake reviews

Rather than jumping in with immediate and widespread enforcement action, the CMA has taken a “supportive” approach at the outset of the new regime, emphasising engagement with businesses, trade associations and consumer groups, and providing update guidance on compliance with the consumer protection regime. With respect to fake reviews, which is now a banned practice under the DMCCA, the CMA carried out a web-sweep of over 100 businesses to check their compliance and found that more than half might need to do more. In response, it offered support via advisory letters and webinars, and allowed time for businesses to adjust their practices.^[1] In so doing, the CMA was following its “4Ps framework”^[2] which promotes a lighter touch approach to intervention where appropriate.

However, the CMA did not altogether abandon enforcement. To begin with, it launched an enhanced complaints process and new complaints guide specifically for businesses to alert the CMA of suspected breaches.^[3]

Then, in November 2025, the CMA launched a package of action into drip pricing and pressure selling (two of its target areas).^[4] As part of this package, the CMA opened investigations into 8 companies (more than twice the number of cases it had open at the time), across industries such as ticketing, driving schools, retail and gyms. If the CMA finds that these companies have broken consumer protection laws, it can order them to pay compensation to affected customers as well as impose penalties of up to 10% of global turnover. Although there is no statutory deadline to complete consumer investigations under the DMCCA, the CMA has committed to progress the investigation at pace.

Alongside the formal investigations into these 8 companies, the CMA issued advisory letters to 100 businesses across 14 sectors^[5] setting out the CMA’s concerns about their use of additional fees and online sales tactics. The purpose of these letters is to put companies on notice. The companies that received them must review their practices and ensure they are in line with the law and the CMA’s guidance to avoid the risk of future enforcement action.

In its draft annual plan for 2026/27,^[6] the CMA reiterated its focus on the list of target behaviours and emphasized that it would prioritize enforcement against conduct which affects essential spending and impacts consumers at moments of vulnerability.

And most recently, on 13 February 2026, the CMA has issued its first penalty for failure to comply with an information notice.^[7] Information notices are formal demands issued by the CMA that legally require businesses to provide information. The fine was imposed on Euro Car Parks, in relation to an information notice originally served in July 2025. Despite repeated attempts by the CMA to secure a response, Euro Car Parks did not respond to the CMA for 3 months and only after the CMA informed it that it was proposing to issue a fine. The CMA considered the process breach to be sufficiently serious to impose a penalty in the amount of £473,000, which is 75% of the maximum possible fixed charge.

Importantly, the CMA has confirmed that, at present, there is no open consumer enforcement case against Euro Car Parks; the CMA is in the process of analysing the information it has obtained to determine whether a case should be launched. Indeed, the CMA states in its published guidance on the use of its information gathering powers that it may request information from anyone who could help it “learn more about a suspected breach”.^[8] This penalty highlights the extent to which the CMA considers information notices to be a key tool for gathering evidence and sends a clear message to companies that they must comply with CMA requests.

The penalty is issued in the context of the CMA’s ongoing evidence gathering to determine whether further enforcement action is warranted. The CMA has issued 29 targeted information requests to businesses to build a picture of their practices. Coupled with its ongoing work on fake reviews and continuing cases that were opened before the DMCCA powers came into effect, this signals that the CMA is ready and willing to engage the “stick” element of its “carrot and stick” approach to consumer protection and is gearing up for further enforcement action.

[1] See: <https://www.gov.uk/government/speeches/consumer-protection-under-the-dmcca-progress-and-priorities>.

[2] The 4Ps are pace, predictability, proportionality and process. See: <https://competitionandmarkets.blog.gov.uk/2025/02/13/new-cma-proposals-to-drive-growth-investment-and-business-confidence/>.

[3] <https://www.gov.uk/guidance/how-best-to-make-a-competition-or-consumer-law-complaint-and-what-happens-next>.

[4] <https://www.gov.uk/government/collections/treating-customers-fairly-when-selling-online>. The practices at issue include: use of fees; use of misleading time-limited offers; and automatically opting consumers in for optional charges.

[5] The 14 sectors targeted by the CMA’s advisory letters were: holidays; driving schools, homeware retailers, rail travel, parking and airport parking, bus and coach travel, luggage storage providers, cinemas, live events, food and drink delivery, letter and parcel delivery, gyms and fitness, fashion, and online vouchers.

[6] <https://www.gov.uk/government/consultations/cma-draft-annual-plan-2026-to-2027/draft-annual-plan-2026-to-2027>.

[7] https://www.gov.uk/government/news/cma-fines-euro-car-parks-473k-for-failure-to-comply-with-legal-information-notice?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=c085630e-aedc-4a1e-b026-5b51a2925928&utm_content=daily.

[8] <https://www.gov.uk/government/publications/how-the-cma-gathers-information-to-enforce-consumer-law/how-the-cma-gathers-information-to-enforce-consumer-law>. In this guidance, the CMA explicitly clarifies that the recipient of such a request is not necessarily under formal investigation.

The following Gibson Dunn lawyers prepared this update: Deirdre Taylor, Claire Shepherd, and Ben Nunez.

Gibson Dunn's lawyers are available to assist in addressing any questions you may have regarding the consumer protection issues discussed in this update as applied to a particular business. Please contact the Gibson Dunn lawyer with whom you usually work, any leader or member of the firm's Consumer Protection or Antitrust and Competition practice groups, or the authors:

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