

# COMPETITION & REGULATORY NEWSLETTER

## QUICK LINKS

[Main Article](#)

[Other Developments](#)

[Merger control](#)

[Antitrust](#)

## CMA imposes fine on Euro Car Parks, exercising its DMCC Act fining powers for the first time

On 13 February 2026, the UK Competition and Markets Authority (CMA) [announced](#) that it had imposed a £473,000 penalty on Euro Car Parks under the Consumer Rights Act 2015 as amended by the Digital Markets, Competition and Consumers Act 2024 (DMCC Act) for failure to respond to an information notice. This is the first time the CMA has used its new fining powers under the DMCC Act, and the hefty fine indicates the CMA's willingness to flex its muscle to ensure compliance with consumer protection rules.

### Background

In July 2025, the CMA issued an information notice to Euro Car Parks pursuant to its consumer protection powers under the Consumer Rights Act 2015. Information notices are legally binding requests that require businesses to provide information by a specified deadline.

When Euro Car Parks failed to confirm receipt of the information notice by the specified deadline, the CMA made multiple further attempts to contact the company in the period from July to October 2025, including sending correspondence by registered post, by hand, and by email. The [fining decision](#) notes that Euro Car Parks finally responded in November 2025, four months after the information notice was first served, in response to provisional conclusions issued by the CMA in October 2025 indicating that it was considering issuing a fine for failure to respond.

Euro Car Parks told the CMA they had blocked the CMA's emails, believing them to be fraudulent and attempts to scam the company, and therefore did not receive any emails from the CMA after 4 August 2025. The CMA did not consider this a reasonable excuse and subsequently imposed the £473,000 fine in December 2025.

### The CMA's reasoning

In taking this enforcement action, the CMA makes clear how important it is for businesses to engage with and respond to it in a timely manner in the context of the CMA's consumer protection powers in the DMCC Act. By ignoring the notice and the multiple attempts to secure a response, the CMA maintains that Euro Car Parks delayed its investigatory work and caused it to spend additional time and resources.

The decision is interesting in highlighting how the CMA will assess whether a business had a "reasonable excuse" for failing to respond to an information notice. In this case, Euro Car Parks argued that its non-compliance was innocent and caused principally by:

For further information on any EU or UK Competition related matter, please contact the Competition Group or your usual Slaughter and May contact.

Square de Meeûs 40  
1000 Brussels  
Belgium  
T: +32 (0)2 737 94 00

One Bunhill Row  
London EC1Y 8YY  
United Kingdom  
T: +44 (0)20 7600 1200

[Main Article](#)[Other Developments](#)[Merger control](#)[Antitrust](#)

- **defective service**, as the notice was addressed to a director who was not involved in the company's daily management, rather than to the company secretary or managing director. Whilst Euro Car Parks accepted that the notice was nonetheless lawfully served, it held that failure to serve the company secretary or managing director (which it considered to be normal CMA practice) delayed its response; and
- **a belief that the CMA's communications were fraudulent**, leading to company officers blocking the CMA's email addresses and disregarding further correspondence. Euro Car Parks explained that the company officers had reached this conclusion based on factors including: the use of urgent language and an 'exclamation mark' label on the email (to indicate its importance); the email being addressed to multiple email addresses; that the email noted that its contents were confidential, and warned that unauthorised disclosure could carry legal consequences; the repeated use of classification markings such as "Classification Official" and "Official Sensitive"; and that the CMA employee signed off with "many thanks" and their first name (albeit above a signature block containing their full name and title).

The CMA found that neither of these reasons constituted a "reasonable excuse". As regards the allegation of defective service, the CMA noted companies should have procedures in place to ensure that official correspondence is dealt with on a timely basis - as set out in its guidance. As to the belief that the CMA's correspondence was fraudulent, the CMA held this to be unreasonable given, amongst other factors, that all correspondence used the CMA's official branding and was sent from official gov.uk email addresses, and the language and formatting used was that to be expected of an official document and not a scam. Moreover, no one at Euro Car Parks had attempted to verify the authenticity of correspondence.

The £473,000 fine imposed on Euro Car Parks is 75% of the maximum fine the CMA could have imposed for failure to respond to an information notice (being up to 1% of a company's annual turnover), indicating the CMA's willingness to impose large fines for what it deems to be major breaches. In calculating the fine, the CMA placed Euro Car Parks' breach in the highest category because of the company's total lack of engagement with the CMA until receipt of the provisional notice, and because Euro Car Parks provided the first tranche of information 60 days after the deadline, thus delaying the CMA's enquiries for nearly two months and causing the CMA to dedicate further resources to enforcing the notice. The CMA also found that Euro Car Parks' culpability was high and "reckless". Notably, however, the CMA refrained from imposing an additional daily penalty (of up to 5 per cent daily turnover), taking into account Euro Car Parks' cooperation following receipt of the provisional notice.

## Conclusion and next steps

The decision once again shows the CMA's willingness to take action in the consumer protection sphere under its new enforcement powers under the DMCC Act, following the CMA's opening of eight investigations last November (as covered in our [blog post](#)) and Emma Cochrane's [speech](#) earlier this month which promised "*more to come*". That speech also noted that the CMA has issued 29 information requests to businesses since the new regime came into effect last April. Any businesses receiving such notices should now be on even higher alert as to the importance of prompt engagement with the CMA.

Euro Car Parks has appealed the fine to the High Court.

## OTHER DEVELOPMENTS

### MERGER CONTROL

#### European Commission conditionally approves Universal Music Group's acquisition of Downtown at Phase II

On 13 February 2026, the European Commission [announced](#) that it has conditionally approved Universal Music Group N.V.'s (UMG) acquisition of Downtown Music Holdings LLC (Downtown). The approval is subject to a divestment of Curve Royalty Systems Limited (Curve), Downtown's royalty accounting platform.

[Main Article](#)[Other Developments](#)[Merger control](#)[Antitrust](#)

UMG is a global company which owns and operates businesses engaged in wholesale recorded music, music publishing, merchandising, and audio-visual content. Downtown is a global independent rights management and music services company, active in the provision of artist and label (A&L) services to third-party record artists and labels, music publishing services to third-party authors and songwriters, as well as royalty collection and other ancillary services to third-party artists and labels.

### Commission's investigation

The proposed transaction did not meet the EU Merger Regulation (EUMR) notification thresholds, however, it was referred to the Commission by the Dutch competition authority under Article 22(1) EUMR, following notification in the Netherlands and Austria, where it met the national merger control thresholds. The Commission accepted the referral request from the Netherlands, which was joined by Austria.

On 28 July 2025, the Commission decided to open a Phase II investigation into the transaction. Its primary concerns were twofold: (i) access to commercially sensitive data: the Commission was concerned that the transaction would allow UMG to reduce competition in the wholesale market for the distribution of recorded music in the EEA by acquiring commercially sensitive data of its rival record labels; and (ii) elimination of an important competitor: the Commission was concerned that the transaction would allow UMG to reduce competition in the market for the supply of A&L services in the EEA by removing an important competitive force.

At Phase II the Commission concluded that the proposed transaction would not lead to a significant impediment of effective competition in the markets where UMG and Downtown's activities overlap, including A&L services. It found that the parties' combined shares were "moderate", there were several other viable competitors in the market, including Sony Music Entertainment, Warner and others, and switching between them is not costly nor time consuming. Moreover, it found that the transaction would not lead to a significant change in UMG's negotiating position in licensing agreements with digital service platforms, such as Spotify, Apple Music, and Amazon Music.

However, the Commission found that the transaction would harm competition by providing UMG with access to commercially sensitive data of rival record labels, which is stored on Curve. The Commission found that UMG would have both the ability and incentive to access the data, and that this would likely impact the ability of competitors to compete with UMG in the wholesale distribution of recorded music. By contrast, the Commission considered that other Downtown products do not process comparable commercially sensitive information.

### Remedies

To address the Commission's concerns, UMG and Downtown committed to a full divestment of Curve, encompassing its user base, data, contracts, and platform. This is subject to a transitional software license that does not include customer data, whereby UMG can continue to use Curve but only for a limited period and for internal purposes. The Commission concluded that the transaction, as modified, would no longer raise competition concerns.

## ANTITRUST

### European Commission publishes summary of responses on ongoing review of EU competition law enforcement framework

On the 19 February 2026, the Commission [published](#) a summary of responses to the public consultation on the review of the Antitrust Enforcement Regulation 1/2003 (Regulation 1). Regulation 1 sets out the procedural framework for the enforcement of Articles 101 and 102 TFEU. Articles 101 and 102 prohibit anti-competitive agreements and the abuse of a dominant position.

#### The consultation

As previously [reported](#), the Commission launched a consultation in July 2025, following a Commission evaluation which found, *inter alia*, that the procedures under Regulation 1 were increasingly inefficient due to the rise of

[Main Article](#)[Other Developments](#)[Merger control](#)[Antitrust](#)

digitalisation. The Commission was also concerned that variance between national and supranational abuse of dominance laws might not be working well, noting that national regulations are normally more restrictive than those at the EU level. The consultation, which closed on 2 October 2025, also invited comments on topics such as the use of investigative tools, interim decision-making procedures, access to file, and complaints and third-party rights.

### The responses

The Commission received 65 responses from a range of interest holders including national competition authorities, companies, business associations, legal associations, law firms, public authorities, and academic and research institutions. Overall, respondents are broadly supportive of modernising Regulation 1. For example:

#### 1) *Investigative tools:*

The consultation asked for comments on potential remote inspections of digital business records. In terms of administrative burden, flexibility, cost, legal certainty, and rights of defence as compared to traditional inspections, most respondents considered remote inspections neutral or positive. However, respondents commented that safeguards for digital inspections should be the same if not higher than under traditional inspections and that such inspections should only be used where there is a formal written decision as to why a remote inspection is preferred over a traditional inspection.

#### 2) *Improving enforcement:*

Suggestions were made to improve the effectiveness of the Commission's decision-making powers. These included the introduction of procedural deadlines or timelines; a clearer, and more structured and transparent investigative process; an increased reliance on commitments pursuant to Article 9; better market testing of remedies under Article 7; transparency on enforcement priorities; and the introduction of more powers for the Commission for the monitoring of the implementation of Commission decisions.

In relation to interim measures, respondents criticised the current legal and procedural framework for the lack of enforcement practice by the Commission, legal uncertainty and high costs for those subject to the orders, and reduced choice and innovation for consumers. On the question of whether the legal test for ordering interim measures should change, 23 respondents believe that the legal test should remain unchanged. On the question of whether the procedural framework for ordering interim measures should change, 26 respondents were in favour of amendments to the applicable procedure. Suggestions were aimed at making the process faster, such as by introducing deadlines/timelines, or the introduction of procedural changes such as the formal right to request interim measures or defining a maximum time period during which interim measures may apply, as well as establishing specialised teams for dealing with interim measures within the Commission.

Regarding access to file, respondents described the costs for the preparation of non-confidential versions of documents as high or very high. As regards the suggestion in the consultation of mandatory confidentiality rings for information providers, respondents indicated this could reduce the burden of preparing non-confidential versions and that benefits were possible, provided that technical and legal safeguards for the protection of confidential information could be ensured. However, concerns were expressed regarding the risk of disclosure of business secrets. In addition, some thought that the introduction of any mandatory confidentiality ring for information providers could lead to a higher bureaucratic burden and would need to be accompanied by clear standards of protection, transparency mechanisms and legal safeguards.

#### 3) *Complaints and rights of third parties:*

Respondents provided feedback to improve the procedure for third party participation in antitrust proceedings. Suggestions included to streamline and clarify the roles and rights of complainants and other interested parties, harmonise procedural rights, simplify access to key documents, ensure timely and

[Main Article](#)[Other Developments](#)[Merger control](#)[Antitrust](#)

transparent communication, allow earlier input from third parties in investigations, as well as to allow third party input on remedies.

An assessment of the consultation responses will inform the Commission's legislative proposal for the revision of Regulation 1, expected to be published within a year. The individual contributions to the consultation have also been [published](#) on the Commission's website.

## SAMR issues final internet platform antitrust compliance guidelines

On 13 February 2026, China's State Administration for Market Regulation (SAMR) [published](#) the final Guidelines on Internet Platform Antitrust Compliance (Guidelines), following a public consultation held in November 2025. Alongside the Guidelines, SAMR released a [policy interpretation document](#) highlighting the importance of a proactive approach, encouraging internet platforms to incorporate antitrust compliance in their day-to-day governance to prevent the escalation of any potential antitrust issues.

The non-binding Guidelines flag conduct that is likely to heighten regulatory scrutiny for internet platforms and identify common risk scenarios across the main pillars of China's Anti-Monopoly Law, including monopoly agreements (e.g. algorithm-enabled collusion) and abuse of dominance (e.g. refusal to deal, unfair pricing, discriminatory treatment, "choose one from two" exclusivity clauses, price parity obligations etc.).

Notably, compared to the [draft consultation guidelines](#) circulated in November 2025, the final Guidelines reflect a broader approach to platform regulation. In particular, SAMR expanded the definition of "internet platform" to mean platforms that facilitate "transactions and other activities", which is capable of bringing a wide range of business models within scope. The final Guidelines also expand the list of algorithm-related risks by expressly recognising "strategic algorithm sharing" as a potential competition concern, signalling closer scrutiny of arrangements involving the sharing of algorithms in ways that may facilitate coordinated market behaviour or strategy.

The Guidelines form part of China's broader digital market regulation agenda, complementing the 2025 [Rules for Internet Platform Pricing](#) (Rules) jointly issued by SAMR, the National Development and Reform Commission and the Cyberspace Administration of China. These Rules regulate how internet platforms set and charge fees, including limiting unreasonable platform fees, protecting merchants' ability to set their own prices and improving price transparency. The Rules will take effect on 10 April 2026.

London  
T +44 (0)20 7600 1200  
F +44(0)20 7090 5000

Brussels  
T +32 (0)2 737 94 00  
F +32 (0)2 737 94 01

Hong Kong  
T +852 2521 0551  
F +852 2845 2125

Beijing  
T +86 10 5965 0600  
F +86 10 5965 0650

Published to provide general information and not as legal advice. © Slaughter and May, 2026.  
For further information, please speak to your usual Slaughter and May contact.

[www.slaughterandmay.com](http://www.slaughterandmay.com)