

Dawn of the DMCCA

Are you ready to respond to information requests?



The long-anticipated Digital Markets, Competition and Consumers Act (DMCCA), came into effect on 1 January 2025, bringing enhanced investigatory powers for the Competition and Markets Authority (CMA).

The DMCCA is expected to lead to an increase in 'requests for information' (RFIs) from the CMA. Managing these requests in a compliant yet pragmatic manner, while minimising the risks associated with sharing potentially commercially sensitive information with a regulator, can be challenging for in-house teams.

In this document, we share top tips for in-house lawyers when faced with RFI's from the CMA.



Responding to a Request for Information (RFI) from the CMA: Actions and key considerations

✓ 1. Understand the context

Seek to understand the context of the request and what prompted it. What is going on in the industry? On what basis has the RFI been issued? Is it mandatory or voluntary?

If voluntary, is there advocacy the business would like to advance?

What are the risks involved in your response? Is the RFI the opening stage of a wider investigation? Could a poorly prepared or limited response create further issues?

✓ 2. Seek advice

Contacting external counsel as soon as possible is critical, particularly to establish legal privilege.

The CMA's duty of expedition will impose time pressure on your in-house legal team and business stakeholders.

OC's experts can assess the strengths and weaknesses in your case, devise a strategy and help you understand the potential impacts on your business. This is essential to determine your approach to the CMA, to identify key points for advocacy and to meet any internal governance requirements.

✓ 3. Identify stakeholders

Work with OC to assemble the right response team and delegate questions. Keep this a tightly controlled group working in a protected central document.

OC can support with collating responses, managing data and documentation, carrying out privilege reviews, and liaising with the CMA on any search methodologies or question clarification.

✓ 4. Engage with CMA

On your behalf, OC can liaise with the CMA to help manage the RFI by finding achievable timescales for responses, clarifying the CMA's objectives and agreeing methods to respond to the request that are manageable for the business teams.

For example, if the business is unable to answer certain questions, can alternative information or data be provided in different formats?

Do you need other third party input?

Consider if your response requires expert or technical input from economists or engineers?

"Osborne Clarke is well aware of the business context in which it gives legal advice. This is one of the firm's really strong points."

Chambers, 2024



"One of the key strengths of Osborne Clarke is its deep expertise and experience in this domain. The firm boasts a team of highly qualified lawyers."

Chambers, 2025

"They are not only able to articulate the differences between existing and new legislative regimes but also highlight the likely impacts of the changes."

Chambers, 2025

CMA Investigations: How can we help?

Our experience

Advising a UK bank on a Payment Systems Regulator investigation as part of a Competition Act infringement enquiry, including supporting the client with responding to RFIs and an offsite electronic data search by the CMA and negotiating a settlement of alleged regulatory infringement.

Advising an online review platform to respond to RFIs in a consumer protection investigation looking into how these websites handle customer reviews and successfully convincing the CMA not to pursue any enforcement action.

Representing a global platform in front of the CMA in its Digital Advertising and Mobile Ecosystems market studies, including responding to RFIs.

Acting for an online retailer responding to RFIs in the CMA's investigation into fashion businesses' "green" advertising claims, successfully negotiating undertakings to end the regulatory probe.

Representing a global video games publisher in a European Commission competition investigation, responding to far-reaching RFIs on tight deadlines and successfully arguing for our client to be removed from the investigation before charges were brought against the other defendants.

Representing two major housebuilders in the CMA's high-profile investigation into potential breaches of competition and consumer law in the housing market, including responding to extensive RFIs. Successfully argued that issues had been self-remediated, avoiding the need for the formal enforcement action or undertakings imposed against others in the market.

Responding to numerous extensive and document-heavy RFIs related to CMA merger control investigations into M&A transactions (both for parties involved in the transactions and for challengers of those transactions), including cross-border deals requiring coordination and alignment between countries.

Advising a number of musical instrument manufacturers relating to the CMA's Competition Act investigation into alleged control of retailer's prices by those manufacturers.

Supporting a manufacturer of bathroom fittings with a Competition Act probe into alleged price restrictions imposed by that manufacturer upon retailers.

Supporting a leading global sports equipment manufacturer in a multi-jurisdictional Competition investigation into pricing and cross-border sales restrictions, successfully achieving settlement for our client.

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Key contacts

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"Extremely approachable, experts in their field with an approach that makes the subject and material accessible to the lay person."

Legal 500, 2024

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