

# CMA Pricing Transparency Guidance (CMA209)

## *Practical analysis*

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### **Introduction**

The publication of the CMA's Price Transparency Guidance (CMA209) on 18 November 2025, together with the announcement of eight formal investigations and 100 advisory letters, marks the beginning of a more assertive phase of consumer enforcement. This action draws upon the CMA's new powers under the Digital Markets, Competition and Consumers Act 2024 (DMCCA). These include direct enforcement powers under Part 3 DMCCA, including the ability to impose significant direct penalties (up to 10% of global turnover) without the need for court proceedings.

Although 100 businesses have received advisory letters, over 400 were included within the scope of the CMA's review. Few consumer-facing businesses can assume that they are out of scope. The review has considered 19 different sectors, including event ticketing, homeware, fitness, driving schools, travel, cinemas, retail, and parking. In many cases, this is the first time legal and compliance teams have had to consider pricing transparency as a standalone regulatory risk rather than a subset of marketing compliance.

The guidance is detailed and proscriptive in approach. It places a significant gloss on the otherwise concise wording of s.230 DMCCA.

### **Overview of CMA209**

CMA209 sets out the CMA's expectations on pricing transparency under s.230 DMCCA, with a particular focus on the obligation to present either the "total price" or a clear explanation of how it will be calculated, at the point of an "invitation to purchase". Although the guidance is not legally binding, it provides a clear indication of how the CMA intends to assess compliance in practice and is already functioning as a reference point for early enforcement activity.

At its core, the guidance emphasises that consumers should be able to understand the total cost of a product or service at the moment they make a "transactional decision" (in itself, a broad concept). This means that mandatory charges must be incorporated into the headline price wherever it is reasonably possible to do so. If a mandatory element cannot be calculated in advance—because, for example, it depends on information provided later in the customer journey—the trader must give a clear and prominent explanation of the method of calculation. The CMA devotes considerable attention to the presentation of this information. It expects traders to ensure that price disclosures are prominent, intelligible, and delivered at the point they become relevant to the consumer's decision-making.

The guidance also addresses optional charges and add-ons. While optional extras may be displayed separately, they must not be pre-selected or presented in a way that obscures their optional nature. The CMA identifies particular concerns with practically “unavoidable” add-ons, where consumers are likely to be compelled to select an optional feature in order to achieve a basic or safe level of functionality. Although the legislation itself does not expressly treat such charges differently, the guidance signals that the CMA may scrutinise their presentation with more care.

A significant portion of CMA209 concerns the timing of disclosure. The CMA suggests that an “invitation to purchase” may arise earlier in an online journey than businesses have typically assumed. If a page contains pricing information and a means to proceed, businesses may already be within the scope of s.230 DMCCA. This has important implications for the way prices are displayed on listing pages, product summaries, and early-stage booking screens.

The CMA’s intent is clear. The emphasis is on providing consumers with information (1) that they need to understand the true cost of what they are buying, at (2) an early point in time during the customer journey.

However, the guidance is detailed and fairly proscriptive. Businesses will need to take a more structured approach to the design and documentation of their pricing practices, particularly online. This will not simply require adjustment to legal wording or standard contractual terms of business. For many businesses, it will involve a significant review of pricing structures and sales processes.

### **Legislation by guidance?**

It is worth considering the interpretative context in which CMA209 sits. The core statutory duty in s.230 DMCCA is concise. A commercial practice may not “omit material information” (s.230(1) DMCCA) relating to “the total price of the product” (s.230(2)(b) DMCCA). This includes providing information that is “unclear or untimely” or “in such a way that the consumer is unlikely to see it” (s.230(9) DMCCA).

From this legislative basis, the CMA has produced 57 pages of detailed and proscriptive guidance, including expectations on the timing of price disclosure, the prominence and structure of price information, and prohibitions on “drip pricing” and “partitioned pricing” (neither of which are expressly prohibited by the DMCCA).

These observations do not imply criticism of the CMA. The guidance is detailed and, for the most part, practical. But for solicitors and in-house counsel advising on compliance and enforcement risk, it is important to distinguish clearly between what the DMCCA requires and what the CMA expects. Businesses will need to manage both, while understanding that the two are not identical.

There is nothing unusual about regulators offering detailed guidance on broadly framed statutory duties. Consumer law has always involved a blend of statutory text and regulatory guidance. However, legal advisers will recognise that much of the practical detail now expected of businesses is not expressly set out in the legislation. This is particularly notable given the CMA’s new ability to impose significant penalties under Part 3 DMCCA, which inevitably raises questions about the dividing line between the statutory obligation itself and the regulator’s view of best practice.

## Subscription contracts

The subscription contracts provisions (ss.253-261 and Sch.23 DMCCA) introduce a separate but closely related set of obligations. These are likely to be supplemented by secondary legislation and further CMA guidance, anticipated in 2026. They deal with pre-contract information, free trials, renewal reminders, introductory offers, cancellation processes, and the transparency of ongoing pricing.

Although the subscription contracts provisions have not yet fully taken effect, it is already clear that they will interact with the pricing transparency framework in several ways. For example, subscriptions often involve introductory pricing followed by a higher renewal price. Sch.23 will require clarity around that transition, while s.230 continues to govern the way the initial price is presented at the point of the invitation to purchase. Similarly, variable elements of subscription pricing—such as usage-based charges or optional upgrades—will need to be assessed through the lens of both regimes. The same is true of cancellation rights, where the CMA has indicated it will focus on commercial practices that may impede consumers' ability to exit.

It would not be surprising if subscription contracts became a major focus of enforcement next year. The combination of initial transparency obligations and ongoing requirements throughout the contract lifecycle is likely to create a more complex compliance environment than many businesses currently anticipate. In the meantime, any current steps taken to reach compliance with CMA209 will need also to take into account subscription contract changes expected next year.

## Conclusion

CMA209 represents an important development in the consumer law landscape. The statutory obligations are not new. What has changed is the proscriptive detail of CMA guidance, with clear expectations for businesses to comply, all in the context of potentially significant penalties under the CMA's new direct enforcement powers. The financial consequences of such enforcement action, combined with the forthcoming subscription regime under ss.253-261, means that pricing transparency has become a central regulatory concern.

For legal teams advising businesses subject to CMA warning, the immediate priority is to demonstrate that industry has received the message: there has been a step change in pricing regulation and businesses will comply with it swiftly.

For those not yet under the CMA's scrutiny, the priority will be to ensure that pricing models and customer journeys are aligned with the guidance. The broader task is to develop an approach to compliance that accounts for both the statutory requirements and the emerging regulatory expectations.



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