



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 3

ENFORCEMENT OF CONSUMER PROTECTION LAW

CHAPTER 4

DIRECT ENFORCEMENT POWERS OF CMA

Undertakings

PROSPECTIVE

185 Undertakings

- (1) [This section](#) applies where the CMA—
 - (a) has started an investigation under [section 180](#) which is continuing, and
 - (b) has not given a final infringement notice or an online interface notice in relation to the matter under investigation.
- (2) The CMA may accept an undertaking under [this section](#) in connection with that matter from any person whom the CMA believes—
 - (a) has engaged, is engaging or is likely to engage in a commercial practice that constitutes a relevant infringement (“the infringing practice”), or
 - (b) is an accessory to such a practice.
- (3) Subsections (1) to (6) of [section 164](#) (inclusion of enhanced consumer measures in undertakings) apply to an undertaking under this section as they apply to an undertaking under [section 163\(2\)](#).

Status: Point in time view as at 24/05/2024. This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 185. (See end of Document for details)

- (4) An undertaking under [this section](#) is an undertaking to do one or more of the following—
- (a) in the case of an undertaking from a person within [subsection \(2\)\(a\)](#), not to continue or repeat the infringing practice (where the CMA believes the person has engaged or is engaging in the practice);
 - (b) in the case of an undertaking from a person within [subsection \(2\)\(b\)](#), not to consent to or connive in the infringing practice;
 - (c) in either case, not to engage in the infringing practice in the course of the person’s business or another business;
 - (d) in either case, not to consent to, or connive in, the carrying out of the infringing practice by a body corporate with which the person has a special relationship (see [section 220](#)).
- (5) Where the CMA has accepted from a person an undertaking under [this section](#)—
- (a) the CMA may accept from the person any such variation of the undertaking that the CMA considers appropriate for meeting the purposes for which the undertaking was given;
 - (b) the CMA may release the person from the undertaking (whether on its own initiative or at the person’s request) if the CMA considers that the undertaking is no longer necessary to further those purposes.
- (6) The powers of the CMA under [this section](#) do not limit other powers of the CMA to accept, vary or release undertakings under [Chapter 3](#).

Commencement Information

II S. 185 not in force at Royal Assent, see [s. 339\(1\)](#)

Status:

Point in time view as at 24/05/2024. This version of this provision is prospective.

Changes to legislation:

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