

Secretary of State Department for Business, Energy and Industrial Strategy
3 Whitehall Place
London
SW1A 2AW

22 April 2020

By email: competition@beis.gov.uk

To whom it may concern,

Notification under Article 8 of the Competition Act 1998 (Groceries) (Coronavirus) (Public Policy Exclusion) Order 2020, Statutory Instrument 2020 No. 369 (the “Order”)

1. In accordance with Article 8 of the Order, we hereby submit a notification to the Secretary of State to apply for an exclusion from Chapter I of the Competition Act 1998, as contemplated in Article 5 of the Order (the “**Notification**”).
2. Any term in the Notification bears the definition ascribed to it in the Order, unless specified otherwise.
3. We provide the details required pursuant to Article 8(1) of the Order in the table below.

Information required by the Order	Comments
Names of the undertakings involved (the “ Parties ”)	Asda, Co-op, Morrisons, Sainsbury’s, Tesco, Waitrose
Qualifying activity as described in Article 3(2) of the Order	3(2)(f): Coordination on assistance for particular groups of consumers, including critical workers, the most clinically vulnerable and socially isolated groups of consumers, such as prioritising deliveries or opening stores at specific times to these groups or otherwise providing assistance to them. Note that in order to progress, support or implement this action, the Parties also have discussed or considered actions relating to item limits on purchases; labour shortages and additional labour resource; daily stock position and groceries shortages; and store hours. Accordingly, this conduct also relates to the qualifying activities listed in Article 3(2)(a), (b), (d), and (g).

Groceries to which the Agreement relates	All groceries offered by the Parties.
Description of the Agreement	<p>In addition to UK-wide activities to support vulnerable customers and key worker groups referenced in the previous notification dated 10 April 2020 (including increased click and collect capacity, “silver hours”, “NHS hours”, and “vulnerable customer shopping packs”), the Parties have agreed with:</p> <p>(a) Llywodraeth Cymru (the “Welsh Government”), and</p> <p>(b) Food Standards Scotland (“FSS”) and NHS National Education Scotland (“NHS NES”) on behalf of the Scottish Government</p> <p>to coordinate activities to assist vulnerable consumers in Wales and Scotland, respectively. This includes ensuring that all consumers identified by the Welsh Government and FSS/NHS NES as clinically and socially isolated have access to groceries during the coronavirus crisis, including through prioritised grocery home shopping delivery slots.</p> <p>In an attempt to identify all vulnerable customers, the Parties agreed to match the data provided by the Welsh Government and FSS/NHS NES with their own grocery home shopping and/or loyalty scheme membership lists, and contacted those vulnerable customers that appeared on their own membership lists (the “matched customers”).</p> <p>The Parties have had several calls and email exchanges with Welsh Government officials and separately with FSS and NHS NES representatives to prepare for, facilitate, implement and monitor the steps taken to support vulnerable consumers during the crisis.</p>
Date of the Agreement	The Parties have been in separate discussions with the Welsh Government and FSS/NHS NES since approximately 1 April 2020 to discuss providing prioritised grocery home shopping delivery slots to vulnerable customers in Wales.
Implementation Date	The agreement in relation to “matched customers” was implemented on 8 April in Wales and 13 April in Scotland when the Parties began to match customers and email them to inform them that they could access the prioritised grocery home shopping delivery slots. More matched customers will be contacted in due course as further data is provided by the Welsh Government and FSS/NHS NES and matched against the Parties’ membership lists.
Date of this notification	22 April 2020

4. Kindly acknowledge receipt.

Regards,

Asda Stores Limited