

## **Completed acquisition by Refresco Group NV of the traditional beverages business of Cott**

### **Consent under section 72(3C) of the Enterprise Act 2002 to certain actions for the purposes of the Initial Enforcement Order made by the Competition and Markets Authority ('CMA') on 31 January 2018.**

We refer to your recent correspondence requesting that the CMA consents to derogations to the Initial Enforcement Order of 31 January 2018 (the 'Initial Order'). The terms defined in the Initial Order have the same meaning in this letter.

Under the Initial Order, save for written consent by the CMA, Refresco Group and Refresco UK are required to hold separate the Cott business from the Refresco Group business and refrain from taking any action which might prejudice a reference under section 22 of the Act or impede the taking of any remedial action following such a reference.

After due consideration of your request for derogations from the Initial Order, based on the information received from you and in the particular circumstances of this case, Refresco Group, Refresco UK and the Cott business may carry out the following actions, in respect of the specific paragraph:

#### **1. Paragraph 5(g)**

The CMA gives its consent for the Refresco Group, Refresco UK and the Cott business to share specified information as is strictly necessary for the negotiation of business-critical supply contracts which are due for immediate renewal. Such consent is granted only for those contracts listed in Annex A and subject to the following safeguards<sup>1</sup>:

- Any supply contracts entered into by the Refresco Group and Refresco UK shall remain separate from supply contracts entered into by the Cott business.
- Only the necessary procurement staff of Refresco Group, Refresco UK and the Cott business shall be permitted access to the specified information (the Permitted Procurement Staff) and all Permitted Procurement Staff shall sign

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<sup>1</sup> The contracts listed in Annex A may be amended from time to time at the sole discretion of the CMA.

non-disclosure agreements (in a form approved by the CMA) prior to receiving access.

- Any exchange of specified information between the Permitted Procurement Staff shall be subject to the overall supervision of the Monitoring Trustee.

## Annex A – list of contracts

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