

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 11 September 2017

Completed acquisition by Ausurus Group Limited (by its subsidiary European Metal Recycling Limited) of CuFe Investments Limited

We refer to your recent emails and related discussions regarding a request by European Metal Recycling Limited ("**EMR**") that the CMA grant certain derogations to the Initial Enforcement Order served on Ausurus Group Limited and EMR on 11 September 2017 (the Order). Terms defined in the Order have the same meaning in this letter.

Under the Order, save for the written consent of the CMA, Ausurus Group Limited and EMR are required to hold separate the business of EMR (and its subsidiaries and group companies) from the business of CuFe Investments Limited (and its subsidiaries) ("**CuFe**") 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 requests for derogations from the Order, based on the information received from you, and in the particular circumstances of this case, EMR and CuFe may carry out the following actions, in relation to the specific paragraphs of the Order listed below:

Paragraph 5(f) of the Order

The CMA consents to CuFe utilising the weighing and financial software of EMR following integration which occurred prior to the Order coming into force, provided that all sensitive information relating to MWR is ring-fenced from EMR within that system and password protected. EMR access to such MWR data shall only be permitted in accordance with existing Derogations from the Order.

Paragraph 5(l) of the Order

The CMA consents to designated administrative staff of EMR who are familiar with relevant back office systems being temporarily provided to CuFe and its subsidiaries and given access to CuFe and its subsidiaries' systems to provide back-office administrative support to CuFe's staff in London and the Midlands. Such support shall be provided by the following EMR staff only: [X] and [X] (in the London area) and [X] (in the Midlands).

The CMA also consents to designated EMR employees providing support to MWR personnel on Trade 2 systems. This support shall be provided only to MWR

personnel for whom this support is necessary in order for the MWR employee to perform his or her job function. This support will be provided by [REDACTED], [REDACTED] and [REDACTED].

Paragraph 5(I) of the Order

The CMA further consents to MWR contacting named points of contact at EMR to deal with administrative requirements and system reconciliation issues where, in accordance with commercial arrangements, EMR is processing scrap metal on behalf of MWR and / or where EMR is purchasing scrap metal from MWR as a customer. Such support will be provided by [REDACTED] and [REDACTED] (with supervision from [REDACTED] where necessary)

This derogation is granted on the basis of Ausurus and EMR's representations that such support is vital to ensure the continued effective functioning of MWR.

Such support is conditional upon:

- the designated EMR staff entering into confidentiality agreements in the format approved by the CMA; and
- should the transaction be prohibited or remedies accepted, any records or copies (electronic or otherwise) of any information which has passed from MWR to EMR, will be returned to MWR (where necessary) or destroyed.

These derogations shall not prevent any remedial action that the CMA may need to take regarding the transaction.