

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 8 June 2018

Completed acquisition by Nicholls' (Fuel Oils) Limited of the Oil Distribution Business of DCC Energy Limited in Northern Ireland

We refer to your emails and accompanying further information dated 16 and 20 August 2018 requesting that the CMA consents to derogations to the Initial Enforcement Order of 8 June 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, Nicholls is required to hold separate the acquired DCC business from the Nicholls 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, Nicholls and the acquired DCC business may carry out the following actions, in respect of the specific paragraphs, provided that in each case they do not share any confidential information more widely than is strictly necessary to carry out the relevant action:

1. Paragraphs 5(c), (i) and (j) of the Initial Order

The CMA understands that, prior to completion, the acquired DCC business was a business division within DCC Energy Limited and, as such, under the control of senior management within DCC Energy Limited. Not all those managers were transferred with the acquired DCC business as part of the transaction.

To ensure the effective operation of the acquired DCC business, the CMA consented to the appointment of [X] for the three-week period commencing 11 July 2018 to 1 August 2018 and the appointment of [X] thereafter, to run the acquired DCC business. The CMA's consent to the appointments was subject to the individuals each signing appropriate non-disclosure agreements and receiving appropriate training to ensure that they understand the requirements of the Initial Order.

The CMA subsequently consented to [X] continuing to run the acquired DCC business until 16 August 2018.

The CMA now confirms the appointment of [X] as acting General Manager of the acquired DCC business for the duration of the Initial Order, subject to [X].