

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 letter of 4 October 2018 requesting that the CMA consents to a derogation 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 the request for a derogation from the Initial Order, based on the information received 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. Paragraph 5(c) of the Initial Order

The ex-DCC business has received requests for delivery from customers based in the [X].

To ensure the viability of the acquired DCC business and in response to the additional demand from customers based in and around [X], the CMA consents to permitting the ex-DCC business to base one of its trucks, on an arms-length commercial basis, at [X], to fulfil customer orders [X].

This is on the condition that [X].