

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

Information required by the Order	Comments
Names of the undertakings involved (the "Parties")	Asda, Co-op, Morrisons, Sainsbury's, Tesco, Waitrose, Iceland
Qualifying activity as described in Article 3(2) of the Order	<p>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.</p> <p>Note that in order to progress, support or implement this action, the Parties have also 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).</p>
Groceries to which the Agreement relates	All groceries offered by the Parties.
Description of the Agreement	<p>The Parties have agreed with the UK government to coordinate activities to assist vulnerable consumers. This includes ensuring that all consumers identified by the NHS or DEFRA as clinically and socially isolated have access to groceries during the coronavirus crisis, including through prioritised grocery home shopping delivery slots, increased click and collect capacity, "silver hours", "NHS hours", and "vulnerable customer shopping packs".</p> <p>In an attempt to identify all vulnerable customers, the Parties agreed to match the data provided by the Government Digital Service ("GDS") on behalf of the UK government 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 (including with DEFRA on 18 March and the Prime Minister on 21 March) and email exchanges 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 discussions with DEFRA since 9 March 2020 to discuss the concept of supporting vulnerable customers.
Implementation Date	The Parties have each taken a number of steps to implement actions to support vulnerable consumers from 9 March (e.g. "silver hours" and "NHS hours" announced in the week commencing 16 March; prioritised delivery slots available in the week commencing 23 March, etc).

	The agreement as regards the “matched customers” was implemented on 3 April when the first batch of data was received from the GDS and the Parties began to match customers and email them informing 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 GDS and matched against the Parties’ membership lists.
Commencement Date:	10 April 2020
Date of this Notification	20 May 2020