

Secretary of State Department for Business, Energy and Industrial Strategy
3 Whitehall Place
London
SW1A 2AW

22 May 2020

By email only: competition@beis.gov.uk

To whom it may concern,

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

1. Further to our Notification dated 10 April (the "**April Notification**"), and in accordance with Article 8(2)(b) of the Order, we hereby submit a notification to the Secretary of State to apply for an exclusion from Chapter I of the Competition Act 1998, as contemplated in Article 5 of the Order (the "**Notification**").
2. Any term in the Notification bears the definition ascribed to it in the Order, unless specified otherwise.
3. Sainsbury's confirms that the Notification relates to "qualifying activity" (as contemplated in Article 3 of the Order) which:
 - i. Was made within fourteen days of the date of this Notification, as contemplated in Article 8(2)(b);
 - ii. Is/was to prevent or mitigate the disruption to the supply of groceries to consumers in the UK (or any part of it) caused by a reason relating to coronavirus;
 - iii. Does not otherwise have the object or effect of preventing, distorting or restricting competition; and
 - iv. Is new or differs in a material or significant way from the "qualifying activity" set out in the April Notification.
4. We provide the details required pursuant to Article 8(1) of the Order in the table below.

Information required by the Order	Comments
Names of the undertakings involved (the " Parties ")	Asda, Sainsbury's, Tesco, Iceland
Qualifying activity as described in Article 3(2) of the Order	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.
Groceries to which the Agreement relates	All groceries offered by the Parties.

Description of the Agreement	<p>In addition to UK-wide activities to support vulnerable customers and key worker groups referenced in the April Notification (including increased click and collect capacity, “silver hours”, “NHS hours”, and “vulnerable customer shopping packs”), the Parties have agreed with the Northern Ireland Department for Communities (the “NIDfC”) to coordinate activities to assist vulnerable consumers in Northern Ireland. This includes ensuring that all consumers identified by the NIDfC as clinically and socially isolated have access to groceries during the coronavirus crisis, including through prioritised grocery home shopping delivery slots.</p> <p>In an attempt to identify all vulnerable customers, the Parties agreed to match the data provided by the NIDfC 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”). The parties have subsequently been in discussions with the NIDfC about contacting “unmatched” customers who are not presently members of one of the Parties’ grocery home shopping or loyalty card schemes.</p> <p>The Parties have had several calls and email exchanges with NIDfC representatives to prepare for, facilitate, implement and monitor the steps taken to support vulnerable consumers during the crisis.</p>
Date of the Agreement	<p>The Parties have been in discussions with the NIDfC since 6 April 2020 to discuss providing prioritised grocery home shopping delivery slots to vulnerable customers in Northern Ireland. The agreement was implemented from 13 May onwards when some of the Parties started receiving data from NIDfC, and began work to match customers and email them to inform 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 NIDfC and matched against the Parties’ membership lists.</p>
Date of this notification	22 May 2020

5. Kindly acknowledge receipt.

Regards,

Sainsbury’s