

20 January 2021

ANTICIPATED ACQUISITION BY BELLIS ACQUISITION COMPANY 3 LIMITED OF ASDA GROUP LIMITED

Termination of extension of the preliminary assessment period mentioned in section 34A(2) of the Enterprise Act 2002 (the Act) published on 11 December 2020 pursuant to section 107(1)(ae) of the Act in relation to a failure to comply with a notice issued under section 109 of the Act on 9 December 2020

On 8 December 2020 the European Commission referred the whole of the anticipated acquisition by Bellis Acquisition Company 3 Limited of Asda Group Limited (the **Merger**) to the Competition and Markets Authority (CMA) under Article 4(4) of the EC Merger Regulation. Therefore, the preliminary assessment period for the CMA to decide whether to refer the Merger for a Phase 2 investigation has commenced under section 34A(2) and (4) of the Act.

On 9 December 2020 the CMA issued a notice under section 109 of the Act requiring the provision of certain information and documents by 5pm on 10 December 2020 to each of TDR Capital LLP (**TDR**) (the **TDR Notice**), Mr Mohsin Issa (the **Mohsin Issa Notice**), Mr Zuber Issa (the **Zuber Issa Notice**) and Walmart Inc. (**Walmart**) (the **Walmart Notice**).

On 11 December 2020 the CMA published a notice to extend the preliminary assessment period because TDR, Mr Mohsin Issa, Mr Zuber Issa and Walmart had not complied with a requirement set out in the TDR Notice, Mohsin Issa Notice, Zuber Issa Notice and Walmart Notice (respectively) to provide certain information and documents.

The CMA is now satisfied for the purposes of section 34A(6A)(a) of the Act that the information and documents have been provided as required by the TDR Notice, Mohsin Issa Notice, Zuber Issa and Walmart notice (respectively). However, owing to the notice of extension which the CMA published on 12 January 2021 in relation to the failure by TDR, Mr Mohsin Issa, Mr Zuber Issa and Walmart to comply with the notice issued under section 109 of the Act on 8 January 2021, the preliminary assessment period under section 34A(2) of the Act remains extended until such time

as the CMA publishes a notice of termination in relation to that extension (or until such time as any existing notices of extension are terminated by notice).