

## THE ORDER

### DEROGATION LETTER IN RESPECT OF INTERIM ORDER ISSUED PURSUANT TO SECTION 81 ENTERPRISE ACT 2002 COMPLETED ACQUISITION

**Consent under section 81 of the Enterprise Act 2002 to certain actions for the purposes of the Interim Order made by the Competition and Markets Authority ('CMA') on 19 May 2021 (the "Interim Order")**

#### **Completed acquisition by JD Sports Fashion plc of Footasylum plc (the Merger)**

We refer to your submission of 16 September 2021 requesting that the CMA consents to a derogation from the Interim Order. The terms defined in the Interim Order have the same meaning in this letter.

Under the Interim Order, save for written consent by the CMA, Pentland and JD Sports are required to hold separate the business of Footasylum from the Pentland and JD Sports businesses 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 requests for derogations from the Interim Order, based on the information received from you and in the particular circumstances of this case, Footasylum may carry out the following actions, in respect of the specified paragraphs of the Interim Order.

#### **Paragraph 6(e) of the Interim Order**

The CMA understands that Footasylum would like to serve a break notice on the landlord of its [REDACTED] store (as detailed below) in order [REDACTED]:

- [REDACTED]

In light of the particular circumstances of this case, the CMA grants this derogation subject to the following conditions:

- Footasylum serves the break notice [REDACTED];
- Footasylum uses reasonable endeavours to [REDACTED]; and
- Footasylum must inform the CMA as soon as possible if Footasylum is [REDACTED]. In such circumstances, the CMA reserves the right to issue directions to Footasylum to [REDACTED].

Paul Hughes

Remittal Group Member

17 September 2021