

Secretary of State Department of Business, Energy and Industrial Strategy
3 Whitehall Place
London
SW1A2AW

26 November 2021

By email only [redacted]@beis.gov.uk; [redacted]@beis.gov.uk; competition@beis.gov.uk;

To whom it may concern

Notification under Article 5 of the Competition Act 1998 (Carbon Dioxide) (Public Policy Exclusion) Order 2021, Statutory Instrument 2021 No. 1169 (the "Order")

In accordance with Article 5 of the Order, Nippon Gases UK Limited ("**NGUK**") hereby submit a notification to the Secretary of State (the "**Notification**").

Any term in the Notification bears the definition ascribed to it in the Order, unless specified otherwise.

We provide the details required pursuant to Article 5(1) of the Order in the table below.

<p>The names of the undertakings which are party to the agreement</p>	<p>(a) NGUK (b) Air Liquide UK Limited ("ALUK")</p>
<p>A description of the nature of the agreement</p>	<p>The agreement enables ALUK to request that NGUK purchase from ALUK a specified daily volume of ALUK's carbon dioxide offtake allocation from the Billingham plant operated by CF Fertilisers UK Limited (the "Allocation Agreement").</p> <p>This agreement was entered into following various multilateral discussions between BEIS, CF and the distributors as well as discussions between NGUK and ALUK during the period 30 September 2021 - 12 October 2021, in order to ensure continuity of demand for carbon dioxide from CF Fertilisers UK Limited, and allocate supplies of carbon dioxide most effectively. Its purpose is therefore to prevent or mitigate disruption to the supply of carbon dioxide to distributors, consumers and, in particular, essential users in any part of the United Kingdom, as contemplated by Article 4(4)(a) of the Order.</p> <p>ALUK has notified NGUK (within the period specified in the Allocation Agreement) of its desire to sell to NGUK a specified daily volume of ALUK's carbon dioxide offtake allocation from the Billingham plant (the "Nomination Notice").</p> <p>The Allocation Agreement and the Nomination Notice satisfy the conditions of Article 4(4) of the Order.</p>
<p>The date the agreement was entered into</p>	<p>The Allocation Agreement was entered into on 10 October 2021.</p>

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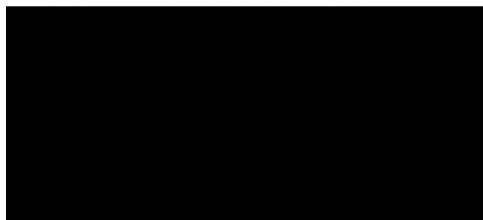
Website
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Registered in England
No 09938383

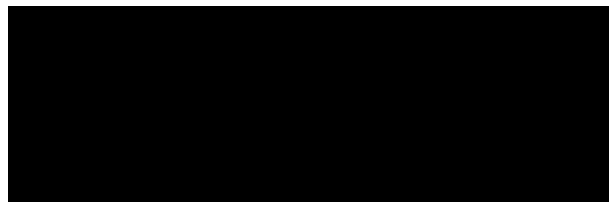
	The Nomination Notice was issued on 2 November 2021, becoming effective from 3 November 2021.
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We should be grateful if you could please acknowledge receipt.

Yours faithfully



Managing Director UK & Ireland
Nippon Gases



Legal Manager UK & Ireland
Nippon Gases