

Secretary of State Department of Business, Energy and Industrial Strategy
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26 November 2021

By email only ██████████@beis.gov.uk; ██████████@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) CF Fertilisers UK Limited ("CFUK") (b) NGUK</p>
<p>A description of the nature of the agreement</p>	<p>CFUK owns and operates a nitrogen complex at Billingham, United Kingdom (the "Billingham Complex") for the production of ammonia and other nitrogen products and CO₂ is produced as a by-product of the ammonia production process.</p> <p>On 15 September 2021, CFUK announced the halt of production at the Billingham Complex due to high natural gas prices making it uneconomical. Following receipt of government support to restart the Billingham Complex, including CO₂ liquefaction, the UK government asked CFUK and each of its three CO₂ customers to enter into negotiations to ensure continuity of supply for CO₂ from the Billingham Complex.</p> <p>In this context, various discussions took place, including multilateral discussions between BEIS, CF and the distributors during the period 30 September 2021 - 12 October 2021, enabling CFUK and NGUK to enter into a new supply contract for the supply of CO₂ under an expedited timeframe in order to mitigate any disruption to the supply of CO₂ (the "Supply Agreement").</p> <p>The Supply Agreement satisfies the conditions of Article 4(4) of the Order.</p>
<p>The date the agreement was entered into</p>	<p>The Supply Agreement was entered into on 11 October 2021 with commencement date 13 October 2021.</p>

We should be grateful if you could please acknowledge receipt.

Yours faithfully



Managing Director UK & Ireland
Nippon Gases



Legal Manager UK & Ireland
Nippon Gases