

REFERENCE RELATING TO THE ANTICIPATED ACQUISITION BY SHANGHAI KINGTON TECHNOLOGY LIMITED AND OTHERS OF THE PERPETUUS GROUP

Notice of cancellation of inquiry under section 48(1) of the Enterprise Act 2002

1. On 11 May 2022, the Secretary of State for Business, Energy and Industrial Strategy (**BEIS**) referred, under section 45(5) of the Enterprise Act 2002, the anticipated acquisition of the Perpetuus Group, including Perpetuus Energy Limited, Perpetuus Advanced Materials plc and Perpetuus Carbon Technologies Limited (together, **Perpetuus**) by Shanghai Kington Technology Limited (**SKT**) and others to the Competition and Markets Authority (**CMA**) Panel Chair for the constitution of a group of CMA Panel Members (the **Inquiry Group**) on the grounds of national security concerns.
2. The terms of reference required the Inquiry Group to examine:
 - a) whether arrangements are in progress or contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and
 - b) if so, whether, taking account only of the admissible public interest consideration or considerations concerned, the creation of that situation may be expected to operate against the public interest.
3. The CMA has received written assurances from shareholders holding a majority of the shares in Perpetuus Advanced Materials plc that the contemplated arrangements have been abandoned.
4. The Inquiry Group having had regard to those assurances is satisfied that the proposal to make arrangements of the kind mentioned in the reference has been abandoned. Accordingly, in exercise of the CMA's duty under section 48(1) of the Act, the Inquiry Group has cancelled the reference.
5. This cancellation is published in accordance with requirements laid down by sections 107(2)(a) and 107(4) of the Enterprise Act 2002.

Kirstin Baker

Inquiry Group Chair

26 May 2022