

# COMPLETED ACQUISITION BY PENNON GROUP PLC OF SUMISHO OSAKA GAS WATER UK LIMITED

## Variation of an Initial Enforcement Order made by the Competition and Markets Authority pursuant to section 72(4)(b) of the Enterprise Act 2002 (the Act) as modified by the Water Mergers (Modification of Enactments) Regulations 2004 (SI 2004/3202, as amended) (the Water Modification Regulations)

Whereas:

- (a) on 8 January 2024, the Competition and Markets Authority (**the CMA**) issued an Initial Enforcement Order (**the Initial Order**) addressed to Pennon Group Plc (**Pennon**) and Sumisho Osaka Gas Water UK Limited (**the Target**) in accordance with section 72(2) of the Enterprise Act 2002 as modified by the Water Mergers (Modification of Enactments) Regulations 2004 (SI 2004/3202, as amended) (**the Water Modification Regulations**) to prevent pre-emptive action;
- (b) the CMA is still considering whether it should refer the acquisition by Pennon of the Target (the **Merger**) under section 32 of the Water Industry Act 1991;
- (c) the CMA considers that it is appropriate to vary the Initial Order.

For the purposes of varying the Initial Order, the CMA hereby makes the following order pursuant to section 72(4)(b) of the Act (**the Variation Order**).

The Initial Order shall be treated as applying on the date on which it was issued but is varied as follows:

1. In paragraph (b) on page 1:

‘The Target’s subsidiaries include Sutton and East Surrey Water Plc, Summit Water Limited, and Osaka Gas UK Limited.’

is replaced with

‘The Target’s subsidiaries include Sutton and East Surrey Water Plc.’

2. The defined term on page 6:

“**the Target**” means Sumisho Osaka Gas Water UK Limited, a company registered in England and Wales with company number 08369318, and its subsidiaries, which includes Sutton and East Surrey Water Plc, Summit Water Limited, and Osaka Gas UK Limited.’

is replaced with

“**the Target**” means Sumisho Osaka Gas Water UK Limited, a company registered in England and Wales with company number 08369318, and its subsidiaries, which includes Sutton and East Surrey Water Plc.’

Yours sincerely,

Rachel Allen

Assistant Director, Mergers

26 January 2024