

## **Consent to certain actions for the purposes of the Initial Enforcement Order made by the Competition and Markets Authority ('CMA') on 10 September 2015**

### **Acquisition by MRH (GB) Limited of 78 petrol stations from Esso Petroleum Company Limited**

1. We refer to your letter dated 2 December 2015, requesting that the CMA consents to derogations to the Initial Enforcement Order of 10 September 2015 (the 'Initial Order'). The terms defined in the Initial Order have the same meaning in this letter.
2. Under the Initial Order, save for written consent by the CMA, MRH (GB) Limited (**MRH**), through its subsidiaries Malthurst South East Limited (**MSE**) and Malthurst Anglia Limited (**MA**), are required to hold separate the business of the target 78 petrol stations from the MRH business and refrain from taking any action which might prejudice a reference under section 22 or 33 of the Act or impede the taking of any remedial action following such a reference. This consent applies to the sites acquired from Esso Petroleum Company Limited (**Esso**) subsequent to the date of the Initial Order (**the target business**).<sup>1</sup> After due consideration of your request for derogations from the Initial Order, based on the information received from you and in the particular circumstances of this case, the CMA consents to the following actions, in respect of the following paragraphs of the Initial Order:

#### **Paragraphs 4(a), 5(c) 5(i), 5(j) and 5(l) of the Initial Order**

During the Specified Period, MRH requests permission to amend the personnel within the existing hold separate structure.

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<sup>1</sup> Those sites acquired from Esso prior to the date of the Initial Order had already integrated prior to the Initial Order being put in place. The derogations requested do not cover these sites.

MRH has proposed that:

- [X] will cease [X] role as Regional Manager for the held separate sites, and will be integrated into the rest of the MRH business as a Regional Manager.
- [X], an Area Manager, will manage the held separate sites, City and Patcham Service Stations.

The CMA grants this derogation to the Initial Order subject to the following safeguards which will apply during the Specified Period:

- [X] will continue to be bound by the confidentiality agreements previously signed by [X].
- [X] will sign a confidentiality agreement, as approved by the CMA, to cover the transfer to MRH of any information in respect of the held separate sites if and when these sites are divested.

### **Paragraphs 5(a), 5(i), 5(j) and 5(l) of the Initial Order**

During the Specified Period (as defined in the Initial Order), for the purposes of marketing the divestment sites which are currently held separate, the MRH General Manager, Property Transactions, [X], will be permitted to receive management accounts for Patcham Service Station. He is further permitted to use the management accounts already received in respect of City Service Station, following the derogation of 24 November 2015, for the same purpose. The CMA grants this derogation to the Initial Order subject to the following safeguards which will apply during the Specified Period:

- The confidentiality agreement, as approved by the CMA, already given in respect of City Service Station will be amended to apply equally to Patcham Service Station.