
STATUTORY INSTRUMENTS

2021 No. 1169

**The Competition Act 1998 (Carbon Dioxide)
(Public Policy Exclusion) Order 2021**

Interpretation

2. In this Order—

“CF” means CF Fertilisers UK Limited, a company incorporated in England and Wales (company number 03455690), and any company which is a group undertaking in relation to CF Fertilisers UK Limited;

“the Chapter I exclusion period” means the period beginning with 30th September 2021 and ending with whichever is the earlier of—

- (a) the revocation of this Order; or
- (b) the expiry of this Order in accordance with article 7;

“CO₂” means carbon dioxide produced at—

- (a) the plant at Billingham, Cleveland operated by CF; or
- (b) the plant at Wilton, Teesside operated by Ensus UK Limited, a company incorporated in England and Wales (company number 05816694);

“the CO₂ negotiation period” means the period beginning with 30th September 2021 and ending with 12th October 2021;

“consumer” means a person who is, or seeks to be, supplied with CO₂ by a distributor;

“distributor” means any of the following—

- (a) Air Liquide UK Limited, a company incorporated in England and Wales (company number 00232592);
- (b) BOC Limited, a company incorporated in England and Wales (company number 00337663);
- (c) Nippon Gases UK Limited, a company incorporated in England and Wales (company number 09938383);
- (d) any company which is a group undertaking in relation to any of the companies referred to in paragraphs (a) to (c);

“essential user” means a consumer who requires CO₂ for the purpose of maintaining the supply of essential goods or services, such as goods or services relating to animal welfare, energy, food, water or health;

“group undertaking” has the meaning given by section 1161(5) of the Companies Act 2006⁽¹⁾;

“qualifying activities” has the meaning given by article 3.