
STATUTORY INSTRUMENTS

2021 No. 1169

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

Qualifying activities

3.—(1) For the purposes of this Order a qualifying activity is any activity specified in paragraph (2) insofar as it—

- (a) is for the purpose referred to in article 4(4)(a); and
- (b) in the case of a qualifying activity specified in paragraph (2)(b) or (c), does not involve the sharing between distributors of any information regarding costs or pricing.

(2) The activities specified in this paragraph are—

- (a) sharing information during the CO₂ negotiation period in relation to—
 - (i) the price payable by a distributor for the purchase of CO₂;
 - (ii) the quantity of CO₂ purchased or to be purchased by a distributor;
 - (iii) the term of any contract relating to the purchase by a distributor of CO₂; and
 - (iv) the names of consumers;
- (b) sharing information and coordination as regards the allocation, movement and distribution of CO₂ to consumers and, in particular, essential users during the Chapter I exclusion period; and
- (c) sharing information on the day to day stock position and shortages of CO₂ within any part of the United Kingdom during the Chapter I exclusion period.