

## Annexe D

### UK Mergers casework 1 April 2006 to 31 March 2007

In 2006-07 the following mergers were referred to the CC:

Case Title	Affected Market	Date of reference
Pan Fish ASA / Marine Harvest NV	Salmon farming	5 July 2006
Christie Brockbank Shipton Private Capital Limited / Hampden Agencies Limited	Members' agency services to members of Lloyd's of London	13 July 2006
Stericycle International LLC / Sterile Technologies Group Limited	Waste management services	27 June 2006
IPC Media Ltd / Horse Deals Ltd	Equestrian magazines	15 August 2006
Academy Music Holdings Limited / Hamsard 2786 Limited / Live Nation (Music) UK Limited / Gaiety Investments Limited	Live music venues	20 August 2006
SvitzerWijsmuller A/S / Adsteam Marine Limited	Harbour towage, terminal towage, ocean towage and salvage	30 August 2006
Stonegate Farmers Limited / Deans Food Group Limited	Eggs	12 September 2006
HDF (UK) Holdings / Hastings Funds Management / Macquarie Luxembourg Water Sarl	Water	16 November 2006
Wienerberger Finance BV / Baggeridge Brick plc	Clay bricks	11 December 2006
Thermo Electron Manufacturing Limited / GV Instruments Limited	Mass spectrometers	15 December 2006
Kemira GrowHow Ojy / Terra Industries Inc.	Manufacture and supply of fertiliser and process chemicals	26 January 2007
MacDonald, Dettwiler and Associates Limited / Quest End Computer Services Limited / Quest Systems Development Limited / Cywood Management Limited	Property valuation network connectivity and workflow and administration software as a composite product	14 February 2007
Greif Inc / Blagden Packaging Group	Manufacture and supply of new large steel drums	20 February 2007

**Undertakings in lieu of a reference to the CC were given in the following cases:**

<b>Case Title</b>	<b>Affected Market</b>	<b>Date of reference</b>
Boots plc / Alliance UniChem plc	Healthcare	24 May 2006
Tetra Laval Group / Carlisle Process Systems	Cheddar cheese-making equipment	19 July 2006
Gala Leisure Limited / County Properties and Development Ltd	Bingo and Gaming	31 July 2006
Johnston Press plc / Local Press Ltd	Publishing	5 October 2006
Pendragon Plc / Reg Vardy Plc	Motor vehicles	19 October 2006
Aggregate Industries Limited / Foster Yeoman Limited	Aggregates and asphalt	22 December 2006

The statistics shown in the tables which follow broadly relate only to those mergers that the OFT examined in the context of the OFT's responsibilities under the Enterprise Act 2002. They do not represent an estimate of total merger activity in the UK. The following points should be borne in mind:

- the figures do not include mergers handled by the European Commission under the European Community Merger Regulation
- the figures cover merger proposals as well as completed mergers and, where there is more than one proposal for a given target, each is counted separately, and
- because some time may elapse between the opening of a file on a case and a decision by the Secretary of State on whether to make a reference to the Competition Commission (CC), the mergers that are referred in any particular year may not necessarily correlate to the cases first recorded in that year.

A better indicator of overall merger activity in the UK is provided by statistics collected by the Office for National Statistics (ONS) and published in *First Release: Acquisitions and Mergers involving UK companies*. These figures are shown in **Table C.1**. For more details go to the ONS website - [www.statistics.gov.uk](http://www.statistics.gov.uk).

To qualify for reference to the CC under the terms of the Act, the UK turnover associated with the enterprise which is being acquired exceeds £70 million ('the turnover test') or lead to the creation or augmentation of a share of supply of 25 per cent or more in a particular market.

### **Merger activity considered April 2006 to March 2007**

In 2006-07, the OFT considered 131 mergers and mergers proposals under the Enterprise Act. The number of cases considered that qualified for reference to the CC was 103. 20 of these cases were pre-notified.

The OFT made 13 references to the CC under the Enterprise Act. The OFT decisions in the 13 reference cases were published on the OFT's website, as were those in the other cases in which the OFT decided that the merger did not qualify for investigation or should not be referred.

**Table C.1 - Merger activity: 2004-05 to 2006-07**

<i>Year</i>	<i>Proposals qualifying under the Enterprise Act 2002: all cases</i>	<i><b>First Release</b><sup>1</sup> Numbers of cases</i>	<i>Enterprise Act cases as percentage of <b>First Release</b> cases</i>
2004/05	144	910	16
2005/06	143	1006	14
2006/07	103	961	11

*Source: Office of Fair Trading*

<sup>1</sup> Number of acquisitions of UK companies published in a *First Release* by the Office for National Statistics.

**Table C.2 – Supplementary data on mergers examined and references to the CC: 2004-05 to 2006-07**

Year	Total numbers of cases examined	Found not to qualify, proposals abandoned, and informal guidance cases	Qualifying cases		Confidential guidance cases	Pre-notified cases	Qualifying cases less confidential guidance cases	Total refs as % of:		
			Nos	% change				Total Refs	Qualifying cases	Qualifying cases less confidential guidance cases
2004/05	257	113	144	+ 19%	4	31	140	18	12.5	12.9
2005/06	242	99	143	- 0.7%	6	32	137	17	11.9	12.4
2006/07	131	28*	103	- 39%	0	20	103	13	12.6	12.6

Source: Office of Fair Trading

\* Awaiting decisions on 18 cases.

**Table C.3 – References to the CC under the Enterprise Act 2002:  
2006-07**

<i>Findings of the CC</i>	<i>Qualification criteria under the Enterprise Act 2002</i>			
	<i>Share of supply of at least 25%</i>	<i>UK Turnover in excess of 70 million</i>	<i>Meeting both criteria</i>	<i>Totals</i>
Not against the public interest	2	0	0	2
Against the public interest	3	0	0	3
Proposal abandoned	2	0	0	2
Decision awaited	4	2	0	6
<b>Totals</b>	11	2	0	13
<i>as percentage of all qualifying mergers in this category</i>	10.7	1.9	0	12.6

*Source: Office of Fair Trading*