

ANTICIPATED ACQUISITION BY CLARIANT OF CERTAIN ASSETS OF KILFROST

Cancellation of merger reference

The Competition and Markets Authority (CMA) cancelled the reference concerning the proposed acquisition by Clariant of certain assets of Kilfrost on 13 June 2016.

On 17 February 2016, the CMA, in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the Act), referred the anticipated acquisition by Clariant AG (Clariant)¹ of the European aircraft de-/anti-icing fluid (ADF) business, the rail de-/anti-icing fluid business and associated assets from Kilfrost Group Public Limited Company (Kilfrost) (altogether the Merger) for further investigation and report by a group of CMA panel members (the Group).

The terms of reference required the CMA to examine whether:

- (a) arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and
- (b) the creation of that situation may be expected to result in a substantial lessening of competition within any market or markets in the UK for goods or services, including the manufacture and supply of ADF to customers located in the UK.

The CMA has received written assurances from Clariant and Kilfrost that the proposed acquisition by Clariant of certain assets of Kilfrost has been abandoned. The Group, having had regard to those assurances, is satisfied that Clariant and Kilfrost have, within the terms of section 37(1) of the Enterprise Act 2002, abandoned the proposal to make arrangements of the kind mentioned in the reference. The Group has consequently cancelled the reference in accordance with its powers under section 37(1) of the Act.

This cancellation is published in accordance with requirements laid down by sections 107(2)(a) and 107(4) of the Enterprise Act 2002.

¹ Through its subsidiaries, Clariant International AG, Clariant Produkte GmbH (Deutschland) and Clariant Production UK Limited.