

## **Animal Waste (Prosper de Mulder)**

- 1. Title of report:** Animal Waste: a report on the supply of animal waste in England and Wales and in Scotland (MMC - Cmnd 2340)
- 2. Date of report:** 29 June 1993 **Published:** 30 September 1993
- 3. Orders:** N/A
- 4. Date of original undertakings:** 1 February 1995 **Press release:** 21 February 1995
- 5. Companies giving undertakings:** Prosper De Mulder Ltd, William Forrest and Son (Paisley) Ltd
- 6. Undertakings:**

### **Part I: Conduct of the PDM Enterprise**

#### **Price discrimination and conditional purchases**

1. – (1) The company will not, and will procure that no PDM Undertaking will:
  - (a) in acquiring Animal Waste of comparable quality, in comparable quantities and in comparable market conditions, discriminate in the prices it pays, or the charges it makes for collection, with the intention of harming the interests of a competitor; or
  - (b) ...<sup>1</sup>
- (2) Without prejudice to the generality of paragraph (1) (a) above there shall be taken to be an infringement if, within six months of any PDM Undertaking losing a contract to a competitor any PDM Undertaking enters into a contract with a customer of that competitor at a price which is discriminatory within the meaning of that paragraph.

#### **Publication of Price Information**

2. – (1) The company will ensure that there is published in each edition of the Meat Trades Journal, the information set out in the first schedule; the information shall be compiled in respect of each week ending on a Sunday, and shall be published not later than 14 days from the end of each such week.
- (2) The Office of Fair Trading<sup>2</sup> may require the use of a different form of information or another publication.

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<sup>1</sup> Prosper de Mulder was released from this undertaking by the Competition Commission on the 2 of July 2007.

<sup>2</sup> Throughout the original undertakings references were made to the Director General of Fair Trading. Pursuant to section 2 of the Enterprise Act 2002 and the abolition of the office of the

## **Other Undertakings in Part I of the original undertakings**

3-5. - ...<sup>3</sup>

### **Part II: Gut-room Contracts**

5-8. - ...<sup>4</sup>

### **Part III: The Market Harborough Plant**

9. - ...<sup>5</sup>

### **Part IV: Interpretation and General**

#### **Interpretation**

10. – (1) In these undertakings:

‘Animal’ includes any bird, but does not include any fish except insofar as fish are included in butchery waste;

‘Animal Waste’ means animal material which is acquired for processing in rendering plants;

‘The Company’ means Prosper De Mulder Ltd;

...<sup>6</sup>

‘The PDM Enterprise’ means all the PDM Undertakings;

‘PDM Undertaking’ means the Company, any body corporate within a Group containing the Company, any Enterprise Controlled by any officer of any such body corporate, by any of the persons referred to in paragraph 4.7 of the Report or by any Associated Person of any person described in this definition.

...<sup>7</sup>

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Director General of Fair Trading, reference is made to the Office of Fair Trading. Section 2(3) of the Enterprise Act 2003 provides that any enactment, instrument or other document passed or made before the commencement of section 2(1) of the Enterprise Act 2002 which refers to the Director shall have effect, so far as necessary for the purposes of or in consequence of anything being transferred, as if any reference to the Director were a reference to the OFT.

<sup>3</sup> Prosper de Mulder was released from these undertakings by the Competition Commission on the 2 of July 2007.

<sup>4</sup> Prosper de Mulder was released from these undertakings by the Competition Commission on the 2 of July 2007.

<sup>5</sup> Prosper de Mulder was released from this undertaking by the Competition Commission on the 2 of July 2007.

<sup>6</sup> Reference to a term relating to one of the undertakings which Prosper de Mulder was released from by the Competition Commission on the 2 of July 2007.

'The Report' means the report by the Monopolies and Mergers Commission on the Supply of Animal Waste in England and Wales and in Scotland (Cm 2340, September 1993);

(2) Expressions used in these undertakings have the meaning which they bear in the Fair Trading Act 1973: in particular the following expressions have the meaning ascribed to them by the sections indicated:

Associated Person – section 77 (4);  
Control – section 65 (3);  
Enterprise – section 63 (2).

## Information

11. The Company will ensure that:

- (a) the Office of Fair Trading is provided with such information as it may reasonably require from time to time to monitor compliance with these undertakings.
- (b) ...<sup>8</sup>

## Other Undertakings in Part IV of the original undertakings

12-13. ...<sup>9</sup>

**7. Date and nature of amendments:** 2 July 2007. See the CC notice releasing Prosper de Mulder from certain of the undertakings at <http://www.competition-commission.org.uk/> and the OFT advice to the CC on this issue at [http://www.offt.gov.uk/advice\\_and\\_resources/resource\\_base/register-orders-undertakings/advice](http://www.offt.gov.uk/advice_and_resources/resource_base/register-orders-undertakings/advice)

**8. Index information:** Discriminatory pricing

SIC code: 15.11 (Animal waste and by-products)

**9. Further MMC report:** Animal waste: a report on the supply of animal waste in Great Britain (MMC - Cmnd 9470)

**Date of report:** 23 January 1985      **Published:** April 1985

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<sup>7</sup> Reference to a term relating to one of the undertakings which Prosper de Mulder was released from by the Competition Commission on the 2 of July 2007.

<sup>8</sup> Related to an issue specific to one of the undertakings which Prosper de Mulder was released from by the Competition Commission on the 2 of July 2007.

<sup>9</sup> Prosper de Mulder was released from these undertakings by the Competition Commission on the 2 of July 2007.

## Animal waste schedule: Prosper De Mulder Ltd

### Averages – all abattoirs

### Week ending

ABATTOIR SIZE	10 – 50 TONNES PER WEEK		OVER 50 TONNES PER WEEK	
	Average £/Tonne	Change on Week (£/T)	Average £/Tonne	Change on Week (£/T)
<b>RED MEAT</b>				
Best Fat				
Other fat				
Bones				
Hard Offal				
Other Offal				
SBO				
<b>POULTRY</b>				
Carcase				
Offal				
Feather				
<b>ALL SPECIES</b>				
Blood				

### Averages – Region: -

ABATTOIR SIZE	10 – 50 TONNES PER WEEK		OVER 50 TONNES PER WEEK	
	Average £/Tonne	Change on Week (£/T)	Average £/Tonne	Change on previous month (£/tonne)
<b>RED MEAT</b>				
Best Fat				
Other fat				
Bones				
Hard Offal				
Other Offal				
SBO				
<b>POULTRY</b>				
Carcase				
Offal				

Feather

**ALL SPECIES**

Blood

**AVERAGES FOR MONTH:** .....

Abattoirs Serviced

Total material rendered

Protein meal yield

Oils/fats yield

Transport costs p/tonne