

OFT Annual Report and Accounts 2013 to 2014

Annexe D

UK mergers casework, 1 April 2013 to 31 March 2014

Mergers referred to the Competition Commission

We referred 8 mergers and merger proposals to the Competition Commission between 1 April 2013 and 31 March 2014.

Table D.1: Mergers referred to the Competition Commission in 2013- 2014

Case title	Market affected	Date of reference
Completed acquisition by Imerys Minerals Limited of the kaolin business of Goonvean Limited	Kaolin	03/04/13
Completed acquisition by Cineworld Group plc of City Screen Ltd	Motion picture projection	30/04/13
Completed acquisition by Optimax Clinics Limited of Ultralase Limited	Laser eye surgery	29/07/13
Completed acquisition by Breedon Aggregates Limited of the Scottish assets of Aggregate Industries UK Limited	Aggregates, asphalt, ready-mix concrete (RMX), contract surfacing	24/09/13

Anticipated acquisition by Telefonaktiebolaget LM Ericsson (PUBL) of Creative Broadcast Services Holdings (2) Limited	Supply of linear playout services for TV to UK	30/09/13
Completed joint venture between Tradebe Environmental Services Limited and SITA UK Limited – Tradebe Healthcare (Holdings) Limited	Healthcare risk waste	29/10/13
Anticipated acquisition of SurgiChem Limited by Omnicell, Inc./MTS Medication Technologies, Inc.	Supply of adherence packaging for oral medication and associated products	14/03/14
Completed acquisition by Alliance Medical Limited of the manufacturing assets of IBA Molecular UK Limited used to produce Fluorodeoxyglucose 18F (FDG-18)	Healthcare	24/03/14

Undertakings in lieu of a reference to the Competition Commission

We have not accepted undertakings in lieu of a reference to the Competition Commission in respect of any merger cases between 1 April 2013 and 31 March 2014.

Table D.2: Undertakings in lieu of a reference to the Competition Commission in 2013-2014

Case title	Market affected	Date of acceptance

Mergers and merger proposals considered by the OFT

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 OFT on whether to make a reference to the Competition Commission, 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 D.3.

To qualify for reference to the Competition Commission 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.

Table D.3: Merger activity: 2010-11 to 2013- 14

	2011-12 (for comparison)	2012-13 (for comparison)	2013- 14
Proposals qualifying under the Enterprise Act 2002: all cases	79	77	65
First Release* Numbers of cases	573	350	367
Enterprise Act cases as percentage of First Release cases	14 per cent	22 per cent	18 per cent

* Number of acquisitions of UK companies published in a First Release by the Office for National Statistics

Table D.4: Mergers examined and references to the Competition Commission, 1 April 2011 to 31 March 2014

		2011-12 (for comparison)	2012-13 (for comparison)	2013-14
Total number of mergers and merger proposals examined		103	103	65
Found not to qualify, proposals abandoned, informal guidance cases		24	26	12
Cases which qualified for reference to the Competition Commission	Number	79	77	53
	Percentage change on previous year	+34 per cent	-2.5 per cent	- 31 per cent
Cases which qualified for reference to the Competition Commission and which were pre-notified		6	4	5
Total references to the Competition Commission		9	14	8
Total references as a percentage of qualifying cases		11.4	18.2	15.1

Each OFT decision regarding whether to refer a merger case to the Competition Commission was published on the OFT's website.

Table D.5: References to the Competition Commission under the Enterprise Act 2002 (1 April 2013 to 31 March 2014)

Findings of the Competition Commission	Qualification criteria under the Enterprise Act 2002			
	Share of supply of at least 25 per cent	UK turnover in excess of 70 million	Meeting both criteria	Total
Not against the public interest	1	1	0	2
Against the public interest	2	0	0	2
Proposal abandoned	0	0	0	0
Decision awaited	4	0	0	4
Total	7	1	0	8