

REFERENCE RELATING TO THE ANTICIPATED MERGER BETWEEN CARGOTEC CORPORATION AND KONECRANES PLC

Notice of extension of reference period under section 39(3) of the Enterprise Act 2002¹

1. On 13 July 2021, the Competition and Markets Authority (**CMA**), in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the **Act**), referred the anticipated merger of Cargotec Corporation (**Cargotec**) and Konecranes PLC (**Konecranes**) (the **Parties**) to its Chair for the constitution of a Group of CMA Panel Members (the **Inquiry Group**). The period within which the report on this reference was to be prepared and published (the **reference period**) was then due to expire on 27 December 2021.
2. On 11 August 2021, the CMA sent each of the Parties a notice of extension of the reference period, made pursuant to section 39(4) of the Act; this extension was made as a result of the failure of the Parties to comply with the requirements of notices issued under section 109 of the Act (the **section 109 notices**). The extension notices were published on the CMA's website on 12 August 2021. On 20 September 2021, the CMA was satisfied, for the purposes of section 39(8) of the Act, that the documents and information required by the section 109 notices had been provided. The CMA accordingly terminated the extension of the inquiry period and 39 days were added to the statutory deadline, such that the reference period is due to expire on 4 February 2022. The notices of termination of extension were published on the CMA's website on 22 September 2021.
3. Simultaneously with this Notice of Extension, on 26 November 2021, the Inquiry Group published its Provisional Findings and a Notice of Possible Remedies (**Remedies Notice**).
4. The Inquiry Group has decided that the reference period should be extended by eight weeks under section 39(3) of the Act as it considers there are special reasons (set out below) why the Final Report cannot be prepared and published within the reference period. The revised reference period will expire

¹ Published pursuant to section 107(2)(c) of the Enterprise Act 2002.

on 1 April 2022. However, the Inquiry Group aims to complete the inquiry as soon as possible and in advance of this date.

5. The Inquiry Group considers the extension necessary to allow sufficient time to reach a fully reasoned final decision within the statutory timeframe. In taking this decision, the Inquiry Group had regard to the scope and complexity of the inquiry, the need to allow sufficient time for the remedies process and to take full and proper account of comments that it anticipates will be received in response to the Provisional Findings and Remedies Notice. In light of this, the Inquiry Group considers that completion of its inquiry and the publication of its Final Report, including the remedies process, will not be possible within the original reference period.

Martin Coleman
Inquiry Group Chair
26 November 2021