

**REFERENCE RELATING TO THE ANTICIPATED ACQUISITION BY CELLNEX
UK LIMITED OF CK HUTCHISON NETWORKS EUROPE INVESTMENTS S.À R.L
UK ASSETS**

**Notice of provisional findings made under Rule 11.3
of the Competition and Markets Authority Rules of Procedure¹**

1. On 27 July 2021, in exercise of its duty under [section 33\(1\)](#) of the Enterprise Act 2002 (the **Act**), the Competition and Markets Authority (**CMA**), made a reference to its chair for the constitution of a Group of CMA Panel Members (the **Inquiry Group**)², regarding the anticipated acquisition by Cellnex UK Limited (**Cellnex**) of the passive infrastructure assets in the UK of CK Hutchison Networks Europe Investments S.À R.L (**CK Hutchison**) for further investigation and report within a period ending on 10 January 2022.
2. Simultaneously with this notice of provisional findings, the statutory timetable is being extended by eight weeks under section 39(3) of the Act. The Inquiry Group is now required to report within a period ending 7 March 2022.

Provisional findings

3. The Inquiry Group has made the following provisional findings on the statutory questions it has to decide pursuant to [section 36\(1\)](#) of the Act:
 - (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 (SLC) within a market or markets in the United Kingdom (UK) for goods or services, including in the supply of access to developed macro sites and ancillary services to mobile network operators and other wireless communication providers in the UK.
4. The Inquiry Group's reasons are set out in full in the provisional findings report and are summarised in the summary of the provisional findings report (see note below).

¹ See [Rules of procedure for merger, market and special reference groups: CMA17](#).

² Under [Schedule 4](#) to the Enterprise and Regulatory Reform Act 2013.

The next steps

5. Anyone wishing to comment on the provisional findings is now invited to provide the Inquiry Group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
6. These reasons should be sent via email to Cellnex.CKHUK@cma.gov.uk no later than **Friday 14 January 2022**.
7. The Inquiry Group will have regard to any such reasons in making its final decisions on the statutory questions and any consequential actions. However, the Inquiry Group shall not be obliged to take into account reasons which are provided after the deadline specified in paragraph 5 above.
8. The Inquiry Group is also publishing separately a notice of possible remedies. This sets out the actions which it considers might be taken by the CMA to remedy, mitigate or prevent the substantial lessening of competition and/or resulting adverse effects provisionally identified.

Richard Feasey
Inquiry Group Chair
16 December 2021

Note: A copy of this notice and the summary of the provisional findings report will be placed on the [CMA website](#) on 16 December 2021. The CMA proposes to publish the provisional findings report on its [website](#) on the same day or shortly thereafter. The published version of the provisional findings report will not contain any information which the Inquiry Group considers should be excluded from the report, having regard to the three considerations set out in [section 244](#) of the Act. These omissions are indicated by [✂].