

## REFERENCE RELATING TO THE ANTICIPATED ACQUISITION BY SIKA AG OF MBCC GROUP

### Notice of provisional finding made under Rule 11.3 of the Competition and Markets Authority Rules of Procedure<sup>1</sup>

1. On 10 August 2022, 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**)<sup>2</sup> regarding the anticipated acquisition by Sika AG of MBCC Group for further investigation and report.

#### *Provisional findings*

2. The Inquiry Group has made the following provisions findings on the statutory questions it has to decide pursuant to section 36(1) of the Act:
  - (a) a relevant merger situation has been created; and
  - (b) the creation of that situation may be expected to result in a substantial lessening of competition in the market for the supply of chemical admixtures for cement, concrete and wet mortar in the UK.
3. The Inquiry Group's reasons are set out in full in the provisional finding report, which is attached to this notice, and are summarized in the summary of the provisional findings report.

#### *The next steps*

4. 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).
5. These reasons should be received by the Project Manager on behalf of the Inquiry Group no later than 15 November 2022.

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<sup>1</sup> See *Rules of procedure for merger, market and special reference groups: CMA17*.

<sup>2</sup> Under Schedule 4 of the Enterprise and Regulatory Reform Act 2013.

6. The Inquiry Group will have regard to any such reasons in making its final decisions on the statutory questions and any consequential action. The Inquiry Group shall not be obliged to take into account reasons which are provided after the deadline specified in paragraph 5 above.
7. The Inquiry Group is also publishing a Notice of Possible Remedies which will set out the actions which it considers might be taken by the CMA to remedy the substantial lessening of competition and/or resulting adverse effects provisionally identified.

Richard Feasey  
*Inquiry Group Chair*  
25 October 2022

Note: A copy of this notice, the summary of the provisional findings report and the Notice of Possible Remedies will be placed on the CMA website on 25 October 2022. The CMA proposes to publish the provisional findings report on its website 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 [scissors].

Comments should be made by email to: [Sika.MBCC@cma.gov.uk](mailto:Sika.MBCC@cma.gov.uk)