

**REFERENCE RELATING TO THE ANTICIPATED JOINT VENTURE
BETWEEN ANGLO AMERICAN PLC AND LAFARGE S.A.**

**Notice of provisional findings made under Rule 10.3
of the Competition Commission Rules of Procedure**

1. On 2 September, the Office of Fair Trading, in exercise of its duty under section 33 of the Enterprise Act 2002 (the Act) and its power under section 36(5) of the Act, referred to the Competition Commission (CC) the anticipated joint venture between Anglo American PLC and Lafarge S.A. for investigation and report within a period ending 16 February 2012

Provisional findings

2. The CC Inquiry Group (the Group) appointed to consider this reference 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 within UK markets for the supply of:
 - (i) bulk cement;
 - (ii) rail ballast;
 - (iii) high purity limestone, when used for flue gas desulphurisation;and in
 - (iv) 23 local markets for primary aggregates for construction applications;
 - (v) two local markets for asphalt; and
 - (vi) seven local markets for ready-mixed concrete.
3. The Group's reasons are set out in full in the provisional findings report, which is attached to this notice, and are summarized in the summary of the provisional findings report (see note below).

The next steps

4. Anyone wishing to comment on the provisional findings is now invited to provide the 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 David du Parc Braham, the Inquiry Manager, on behalf of the Group no later than **13 March 2012**.
6. The Group will have regard to any such reasons in making its final decisions on the statutory questions and actions.

7. The Group will shortly send to Anglo American PLC and Lafarge S.A. and publish a notice of the actions which it considers might be taken by the CC to remedy the adverse effects provisionally identified.

(signed) ROGER WITCOMB
Group Chairman
21 February 2012

Notes

- (i) A copy of this notice and the summary of the provisional findings report will be placed on the [CC website](#) on 21 February 2012. The CC proposes to publish the provisional findings report on its website by 28 February 2012. The published version of the provisional findings report will not contain any information which the Group considers should be excluded from the report, having regard to the three considerations set out in section 244 of the Act. These excisions are indicated by [✂].
- (ii) Comments should be made by [email](#), or in writing, to:

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Anglo/Lafarge inquiry
Competition Commission
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