

## **REFERENCE RELATING TO THE COMPLETED ACQUISITION BY PORK FARMS CASPIAN LIMITED OF THE CHILLED SAVOURY PASTRY BUSINESS OF KERRY FOODS LIMITED**

### **Notice of provisional findings under Rule 11.3 of the CMA Rules of Procedure for Merger, Market and Special Reference Groups<sup>1</sup>**

1. On 5 January 2015, the Competition and Markets Authority, in exercise of its duty under section 22(1) of the Enterprise Act 2002 (the Act) made a reference to its chair for the constitution of a group (the inquiry group) under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 to investigate and report on, within a period ending on 21 June 2015, the completed acquisition by Pork Farms Caspian Limited of the chilled savoury pastry business of Kerry Foods Limited.

#### **Provisional findings**

2. The inquiry group appointed to consider this reference has made the following provisional findings on the statutory questions it has to decide pursuant to section 35(1) of the Act:
  - (a) a relevant merger situation has been created; and
  - (b) the creation of that situation has not resulted, and may not be expected to result, in a substantial lessening of competition within the markets for the supply in the UK for retail of cold pies; hot pies; and sausage rolls, pasties and slices (whether individually or collectively).
3. The inquiry group's reasons are set out in full in the provisional findings report, which is attached to this notice, and are summarised 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 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).

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<sup>1</sup> [CMA Rules of procedure for merger, market and special reference groups: CMA17.](#)

5. These reasons should be received by the Project Manager on behalf of the inquiry group by no later than 5pm on 11 May 2015.
6. The inquiry group will have regard to any such reasons in making its final decisions on the statutory questions and actions.

*(signed)* John Wotton  
*Group Chair*  
21 April 2015

*Note:* A copy of this notice and the provisional findings will be placed on the [CMA webpages](#) on 21 April 2015. 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 [✂].

Comments should be made by email to [PorkFarms.Kerry@cma.gsi.gov.uk](mailto:PorkFarms.Kerry@cma.gsi.gov.uk) or in writing to:

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