

ANTICIPATED ACQUISITION BY CLARIANT OF CERTAIN ASSETS OF KILFROST

Notice of provisional findings made under Rule 11 of the Competition and Markets Authority rules of procedure for merger, market and special reference groups¹

1. On 17 February 2016, the Competition and Markets Authority (CMA), in exercise of its duty under section 33(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 in order that the inquiry group may investigate and report on the anticipated acquisition by Clariant International AG, Clariant Produkte (Deutschland) GmbH and Clariant Production UK Limited subsidiaries of Clariant AG (together Clariant) of the European aircraft de-/anti-icing fluid (ADF) business, the rail de-/anti-icing fluid business and associated assets from Kilfrost Group Public Limited Company (Kilfrost) (altogether the Merger) for further investigation and report by 3 August 2016.

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 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 the market for ADF in the United Kingdom.
3. The inquiry group's reasons are set out in full in the provisional findings report.

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

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 by no later than **5pm on 10 June 2016**.
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
19 May 2016

Note: A copy of this notice and the summary of the provisional findings report will be placed on the CMA [webpages](#) on 19 May 2016. The provisional findings report will be published on 20 May 2016. The report will not contain any information which the inquiry group considers should be excluded, 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 clariant.kilfrost@cma.gsi.gov.uk or in writing to:

Project Manager
Clariant/Kilfrost merger inquiry
Competition and Markets Authority
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