

**REFERENCE RELATING TO THE ACQUISITION
BY DS SMITH PLC OF LINPAC CONTAINERS LTD**

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

1. On 20 May 2004, the Office of Fair Trading, in exercise of its duty under section 22(1) of the Enterprise Act 2002 (the Act) and its powers under section 35(6) of the Act, referred to the Competition Commission (CC) the acquisition by DS Smith Plc of Linpac Containers Ltd for investigation and report within a period ending on 3 November 2004.

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 35(1) of the Act:
 - (a) a relevant merger situation has been created; and
 - (b) the creation of that situation is not expected to result in a substantial lessening of competition within any of the markets which the Group considered.
3. The Group's reasons are set out in full in the provisional findings report, which is attached to this notice, and are outlined in the summary of the provisional findings report (see note below).

The next steps

4. DS Smith Plc and other interested parties are 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).
 - (c) These reasons should be received by the Group no later than 29 September 2004.
 - (d) The Group will have regard to any such reasons in making their final decisions on the statutory questions and actions.

P J FREEMAN
Group Chairman
8 September 2004

Note: A copy of this notice and the summary of the provisional findings report will be placed on the CC web site on 8 September 2004. The CC proposes to publish the full provisional findings report on its web site by 15 September 2004. The provisional findings report will not contain any information which the Group consider should be excluded from the report, having regard to the three considerations set out in section 244 of the Act.