

**COMPLETED ACQUISITION BY BUCHER INDUSTRIES AG OF
JOHNSTON SWEEPERS LIMITED**

Terms of reference

1. Whereas in exercise of its duty under section 22(1) of the Enterprise Act 2002 ("the Act") to make a reference to the Competition Commission ("the CC") in relation to a completed merger the Office of Fair Trading ("the OFT") believes that it is or may be the case that-
 - (a) a relevant merger situation has been created in that:
 - (i) Bucher Industries AG ("Bucher") has acquired the entire issued share capital of Johnston Sweepers Limited ("Johnston") such that Johnston has ceased to be distinct from enterprises carried on by or under the control of Bucher and
 - (ii) as a result, the condition specified in section 23(3) of the Act prevails or prevails to a greater extent, with respect to the supply of truck-mounted sweepers; and
 - (b) the creation of that situation has resulted or may be expected to result in a substantial lessening of competition within any market or markets in the United Kingdom for goods or services, namely the market or markets for the supply of truck-mounted sweepers in the United Kingdom.
2. Now therefore the OFT in exercise of its duty under section 22 of the Act, hereby refers to the CC, for investigation and report within a period ending on 20 September 2005, the following questions in accordance with section 35 of the Act-
 - (a) whether a relevant merger situation has been created; and
 - (b) if so, whether the creation of that situation has resulted or may be expected to result in a substantial lessening of competition within any market or markets in the United Kingdom for goods or services.
3. In relation to the question whether a relevant merger situation has been created, the CC shall exclude from consideration one of the subsections (1) and (2) of section 23 of the Act if they find that the other is satisfied.

Vincent Smith
Director, Competition Enforcement Division, Office of Fair Trading
6 April 2005