

**REFERENCE RELATING TO THE COMPLETED ACQUISITION
BY BUCHER INDUSTRIES AG OF JOHNSTON SWEEPERS LTD**

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

1. On 6 April 2005, the Office of Fair Trading, in exercise of its duty under section 22 of the Enterprise Act 2002 (the Act) and its power under section 35(6) of the Act, referred to the Competition Commission (CC), the completed acquisition by Bucher Industries AG of Johnston Sweepers Ltd.

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 has not resulted, nor may be expected to result, in a substantial lessening of competition within any market or markets within the UK.
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. Bucher Industries AG is now invited to provide the Group with its 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 Group no later than 26 August 2005
6. The Group will have regard to any such reasons provided in making their final decisions on the statutory questions and actions.

Peter Freeman
Group Chairman
5 August 2005

Notes:

- (i) A copy of this notice and the summary of the provisional findings report will be placed on the CC web site on 5 August 2005. The CC proposes to publish the provisional findings report on its web site by 5 August 2005. The published version of 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.

- (ii) As noted in the Bucher/Johnston inquiry administrative timetable published on the CC web site, the final deadline for all submissions and responses (from Bucher Industries AG and other interested parties) is 26 August 2005.
- (iii) Comments should be made in writing to:

Philippa Short
Inquiry Secretary
Bucher Industries AG/Johnston Sweepers Ltd
Victoria House
Southampton Row
London WC1B 4AD

or by email to: philippa.short@competition-commission.gsi.gov.uk