

**REFERENCE RELATING TO THE ANTICIPATED ACQUISITION
BY THE NATIONAL EXPRESS GROUP PLC OF
THE THAMESLINK AND GREAT NORTHERN RAIL FRANCHISE**

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

1. On 3 August 2005, the Office of Fair Trading, in exercise of its duty under section 33 of the Enterprise Act 2002 (the Act) and its power under section 36(5) of the Act, referred to the Competition Commission (CC) the anticipated acquisition by the National Express Group PLC of the Thameslink and Great Northern rail franchise.

Provisional findings

2. The CC inquiry group (the Group) appointed to consider this reference has made the provisional findings on the statutory questions it has to decide pursuant to section 36(1) of the Act, that:
 - (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 is not expected to result in a substantial lessening of competition within any market or markets in the UK for passenger transport services.
3. The Group's reasons are set out in the provisional findings report, which is attached to this notice, and are summarized in the executive summary of the provisional findings report (see note below).

Next steps

4. The National Express Group PLC 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 12 December.
6. The Group will have regard to any such reasons in making their final decisions on the statutory questions and actions.

Signed
DIANE COYLE
Group Chair
21 November 2005

Notes:

1. A copy of this notice and the executive summary of the provisional findings report will be placed on the CC website on 22 November. The CC proposes to publish the provisional findings report on its website by 30 November. The published version of the provisional

findings report will not contain any information which the Group considers should be excluded from the report, having regard to the three considerations set out in section 244 of the Act.

2. Anyone who wishes to do so may comment on the provisional findings. Comments should be made in writing by no later than 12 December to:

Nigel Dorling
Inquiry Secretary
NEG/TGN merger inquiry
Competition Commission
Victoria House
Southampton Row
LONDON WC1B 4AD

Or by email to nigel.dorling@competition-commission.gsi.gov.uk.