

**ANTICIPATED ACQUISITION BY  
SVITZERWIJSMULLER A/S OF ADSTEAM MARINE LIMITED**

**Notice of proposal to accept final undertakings pursuant to Schedule 10 of the Enterprise Act 2002 and public consultation on the proposed undertakings**

On 31 August 2006, the Office of Fair Trading, in the exercise of its duty under section 33 of the Enterprise Act 2002 (the Act), referred to the Competition Commission (CC) the anticipated acquisition of Adsteam Marine Limited (Adsteam Marine) by SvitzerWijismuller A/S (SvitzerWijismuller).

In its final report dated 9 February 2007 (the report), the CC concluded that:

- (a) The acquisition by SvitzerWijismuller of Adsteam Marine would result in the creation of a relevant merger situation (the merger).
- (b) The merger may be expected to result in a substantial lessening of competition (SLC) in the market for harbour towage and terminal towage services in Liverpool. This may be expected to result in the adverse effects of prices for harbour towage in Liverpool higher than they would be if the present level of competition continued.
- (c) The CC should take action to remedy the SLC and the adverse effects flowing from it.
- (d) Having regard to the need to achieve as comprehensive a solution as is reasonable and practicable, the CC considered that the divestiture of either Adsteam's harbour towage business in Liverpool or Svitzer's harbour towage and owner terminal towage business in Liverpool, subject to certain requirements as set out in paragraphs 9.46 to 9.50 and 9.61 to 9.65 of the report, would be sufficient to remedy the SLC and the adverse effects arising from it.

The CC consulted on possible measures in a Notice of Possible Remedies issued on 5 December 2006.

Following publication of the report, Adsteam entered into negotiations for the sale of its Liverpool harbour towage business to SMIT Lloyd UK (SMIT), and agreed to sell that business to SMIT, subject to certain conditions being satisfied including the approval by the CC of SMIT as a suitable purchaser of Adsteam's Liverpool business.

On 13 March 2007, the CC approved SMIT Lloyd UK as a suitable purchaser of Adsteam's harbour towage business in Liverpool, and the completion of that sale took place on 29 March 2007.

The CC has now reached agreement with SvitzerWijismuller as to the terms of Final Undertakings to be accepted in accordance with section 82 of the Act, and the Draft Undertakings are annexed to this notice.

The CC now gives notice of the Draft Undertakings and invites written representations on them from any interested person or persons. Representations should reach the CC by 18 April 2007.

In the absence of any written representations the CC proposes to accept the Draft Undertakings in their present form. If the CC considers that any such representation

necessitates changes to the Draft Undertakings, the CC will give notice of the proposed modification.

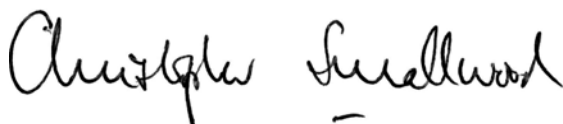
This Notice and the Draft Undertakings will be published on the CC website.

Undertakings accepted by the CC may be varied, superseded or released by the CC in accordance with section 82(2) of the Enterprise Act 2002.

Comments on the Draft Undertakings should be provided to the CC in writing by 18 April 2007 and should be addressed to:

Lanze Gardiner Vandvik  
Inquiry Secretary  
SvitzerWijsmuller/Adsteam Merger Inquiry  
Victoria House  
Southampton Row  
London  
WC1B 4AD

or by email to: [lanze.gardiner@cc.gsi.gov.uk](mailto:lanze.gardiner@cc.gsi.gov.uk).

A handwritten signature in black ink, appearing to read "Christopher Smallwood". The signature is written in a cursive style with a horizontal line under the name.

CHRISTOPHER SMALLWOOD  
*Group Chairman*  
On behalf of the Competition Commission  
30 March 2007