

COMPLETED ACQUISITION BY THERMO ELECTRON MANUFACTURING LIMITED OF GV INSTRUMENTS 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) enterprises carried on by or under the control of Thermo Electron Manufacturing Limited (“Thermo”) have ceased to be distinct from enterprises carried on by GV Instruments Ltd (“GVI”); 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 Gas Isotope Ratio mass spectrometers (Gas IRMS) Thermal Ionization mass spectrometers (TIMS) and Multicollector-Inductively Coupled Plasma-mass spectrometers (MC-ICP-MS); and

(b) the creation of that situation has resulted or may be expected to result in a substantial lessening of competition within a market or markets in the United Kingdom for goods or services, including the supply of Gas IRMS; the supply of TIMS; and the supply of MC-ICP-MS.

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 31 May 2007, 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
Senior Director, Competition
Office of Fair Trading
15 December 2006