

**REFERENCE RELATING TO THE ANTICIPATED ACQUISITION  
BY WIENERBERGER FINANCE SERVICE BV OF BAGGERIDGE BRICK PLC**

**Notice of provisional findings made under Rule 10  
of the Competition Commission Rules of Procedure**

1. On 11 December 2006, the Office of Fair Trading, in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the Act), referred the anticipated acquisition by Wienerberger Finance Service BV of Baggeridge Brick plc to the Competition Commission (CC) for investigation and report within the period ending on 28 May 2007.

**Provisional findings**

2. The CC inquiry group (the Group) appointed to consider the reference has made provisional findings on the statutory questions to be decided pursuant to section 36(1) of the Act. The Group provisionally finds that:
  - a. arrangements are in progress or in contemplation for the acquisition by Wienerberger Finance Service BV of Baggeridge Brick plc which, if carried into effect, will result in the creation of a relevant merger situation; and
  - b. the creation of that situation may not be expected to result in a substantial lessening of competition within any market or markets in the United Kingdom for goods or services.
3. The Group's reasons are set out in full in the report of its provisional findings which will shortly be published, and which are summarized in the executive summary of its report (see note (i)).

**The next steps**

4. Wienerberger Finance Service BV, Baggeridge Brick plc and other interested parties are now invited to provide the Group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied) (see note (ii)).
5. These reasons should be received by the Group no later than 26 April 2007.
6. The Group will have regard to any such reasons provided in making their final decisions on the statutory questions and actions.
7. The parties are referred to rule 10 of the CC's Rules of Procedure dated June 2003.



Christopher Clarke  
Group Chairman  
3 April 2007

Notes:

(i) A copy of this Notice and the executive summary of the provisional findings report will be placed on the CC web site on 4 April 2007. The CC proposes to publish the provisional findings report on its web site by 5 April 2007. 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) Comments should be made in writing to:

Edwin James, Inquiry Secretary,  
Victoria House,  
Southampton Row,  
London WC1B 4AD

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