

**REFERENCE RELATING TO THE ANTICIPATED ACQUISITION BY LINDE AG,
THROUGH ITS SUBSIDIARY BOC LIMITED, OF THE PACKAGED CHLORINE
BUSINESS AND ASSETS CARRIED ON BY INEOS CHLOR LIMITED**

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

1. On 29 May 2008, the Office of Fair Trading, in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the Act) to make a reference to the Competition Commission (the CC) in relation to an anticipated merger, referred to the CC the anticipated acquisition by BOC Limited of the packaged chlorine business and assets carried on by Ineos Chlor Limited.

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 36(1) of the Act:
 - (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 may be expected to result in a substantial lessening of competition in the markets for the distribution of packaged chlorine in cylinders and in drums in the UK.
3. The Group's reasons are set out in full in the provisional findings report, a summary of which is attached to this notice. A copy of the provisional findings report will be published on the CC website (see note below).

The next steps

4. Anyone wishing to comment on the provisional findings is 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).
5. These reasons should be received by the Group no later than 7 October 2008.
6. The Group will have regard to any such reasons in making its final decisions on the statutory questions and actions.
7. The Group will shortly send to BOC Limited and Ineos Chlor Limited a notice of the actions which they consider might be taken by the CC to remedy the adverse effects provisionally identified. This notice of possible remedies will also be published on the CC website.

(signed) DIANA GUY
Group Chairman
16 September 2008

Note: A copy of this notice and the executive summary of the provisional findings report will be placed on the CC website on 16 September 2008. The CC proposes to publish the provisional findings report on its website by 19 September 2008. 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. Comments should be made in writing to:

John Doyle
Inquiry Co-ordinator, BOC/Ineos Chlor
Victoria House
Southampton Row
London
WC1B 4AD

Or by email to: boc.ineos@cc.gsi.gov.uk