

**REFERENCE RELATING TO THE ACQUISITION
BY NUFARM LIMITED OF AH MARKS HOLDINGS LTD**

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

1. On 29 August 2008, the Office of Fair Trading, in exercise of its duty under section 22(1) of the Enterprise Act 2002 (the Act) and its power under section 35(6) of the Act, referred to the Competition Commission (CC) the completed acquisition of AH Marks Holdings Limited (AH Marks) by Nufarm Crop Products UK Limited (a wholly-owned subsidiary of Nufarm UK Limited whose ultimate parent is Nufarm Limited) (together Nufarm) for investigation and report within a period ending on 12 February 2009.

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 35(1) of the Act:
 - (a) a relevant merger situation has been created; and
 - (b) the creation of that situation may be expected to result in a substantial lessening of competition within the markets for MCPA and MCPP-p in the UK.
3. The Group's reasons are set out in full 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).

The next steps

4. Anyone wishing to comment on the provisional findings is invited to provide the CC 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 David du Parc Braham, the Inquiry Manager, on behalf of the Group no later than 31 December 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 also send to Nufarm and publish a notice of the actions which it considers might be taken by the CC to remedy the adverse effects provisionally identified.

Peter Freeman
Group Chairman
10 December 2008

Notes

- (i) A copy of this notice and the summary of the provisional findings report will be placed on the CC website on 10 December 2008. The CC proposes to publish the provisional findings report on its website by 12 December 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.
- (ii) Comments should be sent by email to David du Parc Braham at david.duparc@cc.gsi.gov.uk or by post to:

David du Parc Braham
Inquiry Manager
Competition Commission
Victoria House
Southampton Row
LONDON
WC1B 4AD