

DORF KETAL CHEMICALS/JOHNSON MATTHEY MERGER INQUIRY

Cancellation of merger reference

On 8 December 2010 the Competition Commission (CC) cancelled the reference concerning the proposed acquisition by Dorf Ketal Chemicals AG (Dorf) of the titanate and zirconate business of Johnson Matthey Plc (Johnson).

The reference was made to the CC on 19 November 2010 by the Office of Fair Trading under section 33 of the Enterprise Act 2002 (the Act). The terms of reference required the CC to examine:

- (a) whether arrangements were in progress or in contemplation which, if carried into effect, would result in the creation of a relevant merger situation; and
- (b) if so, whether the creation of that situation may be expected to result in a substantial lessening of competition within any market or markets in the UK for goods or services, including each of the supply of titanate and the supply of zirconate in the UK.

The CC has received assurances from Dorf and Johnson that the proposed acquisition has been abandoned as the sale and purchase agreement governing the transaction has been terminated. The Chairman of the CC, Peter Freeman, having had regard to those assurances, is satisfied that Dorf has, within the terms of section 37(1) of the Act, abandoned the proposal to make arrangements of the kind mentioned in the reference. The Chairman, in accordance with paragraph 15(8) of Schedule 7 to the Competition Act 1998, has therefore exercised his power to cancel the reference.

This cancellation is published in accordance with requirements laid down by sections 107(2)(a) and 107(4) of the Act.