



News Release

29/08

14 October 2008

NUFARM/AH MARKS MERGER

Issues Statement

The Competition Commission (CC) has today published an Issues Statement as part of its inquiry into the completed acquisition by Nufarm Crop Products UK Limited (a wholly-owned subsidiary of Nufarm UK Limited whose ultimate parent company is Nufarm Limited, a company listed on the Australian Stock Exchange) of AH Marks Holdings Limited (AH Marks).

The Issues Statement follows the initial process of gathering information, views and evidence and identifies clearly for all interested parties the specific questions and areas the inquiry is examining. The full Issues Statement is available at www.competition-commission.org.uk.

The reference was made by the Office of Fair Trading (OFT) on 29 August and the CC has been asked to decide whether the acquisition may be expected to result in a substantial lessening of competition within any market or markets in the UK for goods or services, including that for the supply of two phenoxy acetic acids, technically known as 'MCPA' and '2,4-D', which are chemicals used to make herbicides.

The Issues Statement should not be seen as implying that the CC has identified any competition concerns—the CC has yet to reach any conclusions on this inquiry. The purpose of making the statement of issues public is to inform all interested parties and give them an opportunity to raise any further points with the CC.

The CC is expected to report by 12 February 2009.

The CC would like to hear views from all interested parties on the Issues Statement, in writing, by 28 October 2008. To submit evidence, please email david.duparc@cc.gsi.gov.uk or write to:

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

Notes for editors

1. The CC is an independent public body, which carries out investigations into mergers, markets and the regulated industries.
2. The Enterprise Act 2002 empowers the OFT to refer to the CC completed or proposed mergers for investigation and report which create or enhance a 25 per cent share of supply in the UK (or a substantial part thereof) or where the UK turnover associated with the enterprise being acquired is over £70 million.
3. The members of the Nufarm/AH Marks Inquiry Group are: Peter Freeman, Richard Taylor, Jonathan Whitticar and Jeremy Peat.
4. The CC has a 24-week period in which it is required to publish its report, which may be extended by no more than eight weeks if it considers that there are special reasons why the report cannot be published within that period.
5. Further information on this inquiry, including the Terms of Reference and other key documents, as well as on the CC and its procedures, including its policy on the provision of information and the disclosure of evidence, can be obtained from the CC website at: www.competition-commission.org.uk.
6. Enquiries should be directed to Rory Taylor on 020 7271 0242 (email rory.taylor@cc.gsi.gov.uk).