

SCHEDULES

SCHEDULE 1

EXCLUSIONS: MERGERS AND CONCENTRATIONS

PART I

MERGERS

Protected agreements

- 5 An agreement is a protected agreement for the purposes of paragraph 4 if—
- (a) the Secretary of State has announced his decision not to make a merger reference to the Competition Commission under section 64 of the 1973 Act in connection with the agreement;
 - (b) the Secretary of State has made a merger reference to the Competition Commission under section 64 of the 1973 Act in connection with the agreement and the Commission has found that the agreement has given rise to, or would if carried out give rise to, a merger situation qualifying for investigation;
 - (c) the agreement does not fall within sub-paragraph (a) or (b) but has given rise to, or would if carried out give rise to, enterprises to which it relates being regarded under section 65 of the 1973 Act as ceasing to be distinct enterprises (otherwise than as the result of subsection (3) or (4)(b) of that section); or
 - (d) the Secretary of State has made a merger reference to the Competition Commission under section 32 of the Water Industry Act 1991 in connection with the agreement and the Commission has found that the agreement has given rise to, or would if carried out give rise to, a merger of the kind to which that section applies.