

**REFERENCE RELATING TO THE PROPOSED ACQUISITION
BY CARL ZEISS JENA GMBH OF THE MICROSCOPY BUSINESS OF
BIO-RAD LABORATORIES INC**

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

1. On 30 December 2003, the Office of Fair Trading, in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the Act), referred to the Competition Commission (CC) the anticipated acquisition by Carl Zeiss Jena GmbH of the microscopy business of Bio-Rad Laboratories Inc.

Provisional findings

2. The members of the CC appointed to consider this reference (the Group) have made provisional findings on the questions they have to decide pursuant to section 36(1) of the Act:
 - (a) whether arrangements are in progress or contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and
 - (b) 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.
3. The Group's provisional findings on these questions, and its reasons, are set out in the provisional findings, which are attached to this notice. A copy of the provisional findings has been published on the CC's web site (see note (i) below).

The next steps

4. Anyone wishing to comment on the provisional findings is invited to provide the Group with their response in writing (see note (ii) below) including any reason as to why these provisional findings should not become final.
5. Written reasons must be received by the Group no later than Thursday 15 April 2004.
6. The Group will have regard to any such reasons in making its final decision.

Signed

Peter Freeman
Group Chairman
19 March 2004

Notes:

- (i) A copy of this notice and the provisional findings will be placed on the CC's web site on **19 March 2004**. The published version of the provisional findings will not contain any information that 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 made in writing to:

Mary Peretz, Inquiry Secretary, Zeiss/Bio-Rad
Competition Commission
Victoria House
Southampton Row
London
WC1B 4AD

or by email to: mary.peretz@competition-commission.gsi.gov.uk