

Press release: Tesco/Booker request fast track referral

Tesco and Booker have requested that the CMA make a 'fast track' referral to phase 2 in its investigation into the merger.

The Competition and Markets Authority (CMA) opened its [phase 1 investigation](#) into the merger in May which was due to be completed by 25 July. It is possible to accelerate the referral of merger cases to phase 2 when requested by the merging companies and if the CMA has sufficient evidence that the test for reference is met (see [notes for editors](#)).

If the CMA proceeds with a fast track procedure it would expect to issue a phase 1 decision within the next 10 working days. The statutory timetable for the in-depth phase 2 investigation would be 24 weeks.

The fast track process has been used in a number of CMA merger investigations previously including [BT/EE](#) and [Ladbrokes/Coral](#).

All information relating to the investigation is available on the [case page](#).

Notes for editors

1. The CMA is the UK's primary competition and consumer authority. It is an independent non-ministerial government department with responsibility for carrying out investigations into mergers, markets and the regulated industries and enforcing competition and consumer law. For CMA updates, follow us on Twitter [@CMAgovuk](#), [Facebook](#), [Flickr](#) and [LinkedIn](#).
2. Under the Enterprise Act 2002 (the Act) the CMA has a duty to make a reference to phase 2 if the CMA believes that it is or may be the case that a relevant merger situation has been created, or arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and the creation of that situation has resulted, or may be expected to result, in a substantial lessening of competition within any market or markets in the United Kingdom for goods or services.
3. Under the Act a relevant merger situation is created if 2 or more enterprises have ceased to be distinct enterprises; and the value of the turnover in the United Kingdom of the enterprise being taken over exceeds £70 million ('the turnover test') or as a result of the transaction, in relation to the supply of goods or services of any description, a 25% share of supply in the United Kingdom (or a substantial part thereof) is created or enhanced ('the share of supply test').

4. All the CMA's functions in phase 2 merger inquiries are performed by inquiry groups chosen from the CMA's independent panel members. The appointed inquiry group is the decision-maker on phase 2 inquiries.
5. Media enquiries to the CMA should be directed to press@cma.gsi.gov.uk or 020 3738 6798.