

***Case No COMP/M.2344 -
XCHANGE / BAE
SYSTEMS / JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 23/03/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.03.2001

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties:

Dear Madam(s) and Sir(s),

Subject: **Case No. COMP/M. 2344 – Xchange/BAE Systems/JV**
Notification of 23.02.2001 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 68, 02.03.2001, page 14

1. On 23.2.2001, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings Xchange B.V. belonging to the group General Atlantic Partners (GAP) and BAE Systems plc. acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of a newly created company constituting a joint venture. Xchange will acquire joint control through its subsidiary XUK Holdco.
2. The business activities of the undertakings concerned are :
 - for GAP: Investments in IT, Internet and Internet-enabled businesses, human resources services
 - for BAE Systems: commercial and military aircraft ,defence systems

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

- for the joint venture: human resources services
- 3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4 subparagraph a of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
- 4. To the extent that restrictions specified by the parties are directly related and necessary to the implementation of the concentration, these restrictions are covered pursuant to Article 6(1)(b), second subparagraph, of Council Regulation (EEC) No. 4064/89.
- 5. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission

² OJ C 217, 29.07.2000, p. 32.