

***Case No COMP/M.5565 -
BAE SYSTEMS/ BVT***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 26/10/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.10.2009
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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

Dear Sir/Madam,

**Subject: Case No COMP/M.5565 – BAE SYSTEMS/ BVT
Notification of 24.09.2009 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C236, 01.10.2009,
page 24.**

1. On 24.09.2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking BAE Systems plc ('BAE Systems, United Kingdom) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking BVT Surface Fleet Limited ('BVT', United Kingdom), a company currently jointly-controlled by BAE Systems and VT Group plc, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for BAE Systems: provision of systems and services for air, land and naval forces as well as advanced electronics, information technology solutions and customer support services,
 - for BVT: provision of surface warships and through-life support, principally as a partner for the United Kingdom Ministry of Defence.

¹ OJ L 24, 29.1.2004, p. 1.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
4. 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 (EC) No 139/2004.

For the Commission
(signed by Nadia Calviño, DDG,
on behalf of)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.