

Notice given pursuant to Section 56 of the Enterprise Act 2002

Whereas the Secretary of State had reasonable grounds for suspecting that, as a result of the proposed acquisition by Gardner Aerospace Holdings Limited (a wholly owned subsidiary of Shaanxi Ligeance Mineral Resources Co. Limited) of the entire issued share capital of Northern Aerospace Limited, it is or may be case that arrangements are in progress or contemplation which, if carried into effect, will result in the creation of a relevant merger situation, as defined in section 23 of the Enterprise Act 2002 (“the Act”), in that:

- a) two or more enterprises will cease to be distinct;
- b) in the course of the enterprises ceasing to be distinct, a person or group of persons will bring a relevant enterprise (as defined in section 23A of the Act) under their ownership or control; and
- c) the value of the turnover in the United Kingdom of the enterprise being taken over exceeds £1 million.

Whereas the Secretary of State believed that it is or may be the case that the national security public interest consideration specified in section 58(1) and (2) of the Act was relevant to a consideration of the relevant merger situation.

Whereas the Secretary of State gave an intervention notice pursuant to section 42(2) of the Act on 17th June 2018.

Whereas the Competition and Markets Authority reported to the Secretary of State in accordance with section 44(2) of the Act on 13th July 2018 and the Secretary of State received further representations direct from the Ministry of Defence as regards the security concerns raised by the transaction.

Whereas the Secretary of State has decided not to make a reference to the Competition and Markets Authority under section 45 of the Act on the grounds that no public interest consideration to which he is able to have regard is relevant to a consideration of the relevant merger situation concerned.

Now, therefore, the Secretary of State, in exercise of his powers under section 56(1) of the Act, hereby gives this notice and requires the Competition and Markets Authority to deal with the matter otherwise than under Chapter 2 of Part 3 of the Act.

Department for Business, Energy and Industrial Strategy

19th July 2018