

Anticipated acquisition of Mettis Aerospace Limited by Aerostar – reference decision

1. On 20 December 2019 the Secretary of State issued a public interest intervention notice to the Competition and Markets Authority ("CMA") under section 42 of the Enterprise Act 2002 (the "Act") in relation to the proposed acquisition of Mettis Aerospace Limited by a company known as Aerostar registered in the People's Republic of China, either directly or through Ligeance Aerospace Technology Co. Ltd, a company registered in the People's Republic of China and owned or controlled by Aerostar, or any other body corporate interconnected¹ with Aerostar (the "Transaction").
2. On the same day, for the purpose of preventing pre-emptive action, the Secretary of State made the Public Interest Merger Reference (Mettis Aerospace Ltd.) (Pre-emptive Action) Order 2019 (the Order).²
3. On 13 February 2020, the CMA reported to the Secretary of State in accordance with section 44(2) of the Act. The report contained the CMA's decisions on the jurisdictional aspects of the Transaction. In particular, in response to the questions required to be answered under sections 44(3)(a) and 44(4) of the Act, the CMA stated that it does not believe that it is or may be the case that arrangements are in progress or contemplation which, if carried into effect, will result in the creation of a relevant merger situation.
4. In accordance with section 46(2) of the Act, the Secretary of State has accepted the decision of the CMA and therefore decided on 26 February 2020 not to refer the Transaction to the CMA under section 45 of the Act.
5. In accordance with section 43(4)(c) and (5)(c) of the Act, the public interest intervention notice given on 20 December 2019 in relation to the Transaction ceased to be in force on the making of the Secretary of State's decision not to make a reference.
6. Under paragraph 2(9) of Schedule 7 to the Act, the Order ceased to be in force when the public interest intervention notice ceased to be in force.

Date: 26 February 2020

Department for Business, Energy and Industrial Strategy

¹ As defined in s.129(2) Enterprise Act 2002.

² S.I. 2019/1515.