

Notification of cooperation agreements**Case COMP/D1/38.818 — Barclays plc (establishment of an ATM Alliance)**

(2003/C 311/06)

(Text with EEA relevance)

On 12 September 2003 the Commission received notification under Articles 2 and 4 of Council Regulation No 17 from the following participants of the 'ATM-Alliance': Barclays plc, Bank of America Corporation, The Bank of Nova Scotia, Westpac Banking Corporation, Deutsche Bank Privat- und Geschäftskunden AG and BNP Paribas (the 'parties').

The purpose of the notified agreements is to provide to the parties' cardholders the service to withdraw cash world-wide from the parties' ATMs (cash dispensers) without the payment of any surcharge fee and at no or a reduced handling fee. The surcharge fee is the fee directly charged by the ATM-operator to other banks' cardholders when withdrawing cash. The handling fee is the fee paid by cardholders to their own bank, when they use other banks' ATM-networks. The alliance is basically open to an unlimited number of members, however subject to commercial and technical criteria. It is managed by a company ('LLC'), founded by the above mentioned parties.

Under the 'Fee Waiver Agreements', LLC cannot enter into a surcharge fee waiver agreement with any other financial institution, that conducts a retail banking business or owns or operates a significant ATM-network primarily within the territories of the parties without the prior written consent of the respective party in that territory. Likewise, a party is not allowed to extend the benefit of the Fee Waiver Agreements to existing affiliates or to acquired banks that conduct their business within the exclusive territory of another party unless LLC agrees. The exclusive territory is defined as the domestic market of a party or a territory in which it primarily conducts its retail banking business.

Besides, the parties are free to enter into or maintain separate agreements for waiving surcharges, handling fees or any other ATM related fees within their own territories or in countries, that are not exclusive territories of other parties. However, no party can enter into a separate surcharge agreement with banks located in the exclusive territory of any other party prior to the written consent of LLC.

Following up a preliminary analysis, the Commission considers that the notified agreements might be covered by Regulation No 17.

The Commission invites interested third parties to submit any observations they may have on the notified agreements.

Observations must reach the Commission not later than twenty days following the date of this publication. They can be sent by fax (No (32-2) 296 98 07) or by post, under reference COMP/D1/38.818 ATM-Alliance, to:

European Commission,
Directorate-General for Competition,
Directorate D/Unit D1 (Financial Services),
B-1049 Brussels.
