

***Case No COMP/M.3662 -
XSTRATA / WMC
RESOURCES***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/01/2005

***In electronic form on the EUR-Lex website under document
number 32005M3662***



COMMISSION OF THE EUROPEAN COMMUNITIES

Directorate E - Industry

Brussels, 24.01.2005

SG-Greffe(2005) D/200315

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Madam(s) and/or Sir(s),

Subject: Case No. COMP/M.3662 – XSTRATA/WMC RESOURCES

Notification of 10/12/2004 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 315, 21/12/2004, page 2.

1. On 10/12/2004, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Xstrata plc (“Xstrata”, Switzerland) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the undertaking WMC Resource Limited (“WMC”, Australia) by way of purchase of shares.
2. The business activities of the undertakings concerned are:

The **Xstrata Group** is an international natural resources group based in Zug, Switzerland. The Xstrata group is the world’s largest exporter of thermal coal. Furthermore it produces coal, copper, zinc, gold, silver and alloys.

WMC is a major diversified Australian minerals explorer and producer. The main business is the discovery, development, production, processing and marketing of minerals, metals and

¹ OJ L 24, 29.1.2004 p. 1.

chemicals. WMC primarily produces nickel, copper, uranium oxide, gold, silver and phosphate fertilisers.

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, subparagraph b, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.
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
NEELIE KROES
Member of the Commission

² Available on DG COMP website:
http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf.