

EN

***Case No COMP/M.7158 - GLENCOREXSTRATA /
SUMITOMO / CLERMONT JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 11/03/2014

***In electronic form on the EUR-Lex website under document
number 32014M7158***



EUROPEAN COMMISSION

Brussels, 11.3.2014
C(2014) 1703 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case COMP/ M.7158 - GlencoreXstrata/Sumitomo/Clermont JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 11 February 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which GlencoreXstrata plc ("Glencore", Jersey) and Sumitomo Corporation ("Sumitomo", Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over the Clermont coal mine in Queensland, Australia ("the Clermont Joint Venture", Australia), by way of purchase of shares and assets².
2. The business activities of the undertakings concerned are:
 - for Glencore: worldwide supply of commodities and raw materials including metals, minerals, oil and oil products, coal and agricultural products, to industrial customers active in the automotive, steel, power generation, oil and food processing sectors;
 - for Sumitomo: trading activity in metal products, transportation and construction, environment and infrastructure, media, network, and lifestyle related goods and services, mineral resource, energy, chemical & electronics;

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² Publication in the Official Journal of the European Union No C 47, 19.02.2014, p. 4.

- for the Clermont Joint Venture: operation of a thermal coal mine located near Clermont in central Queensland, Australia.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission

(Signed)
Alexander ITALIANER
Director General

³ OJ C 366, 14.12.2013, p. 5.