

***Case No COMP/M.2613 -  
ALCOA / BHP  
BILLITON / JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 23/10/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

**Brussels, 23.10.2001**  
**SG (2001) D/291902**

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

Dear Sirs,

**Subject: Case No. COMP/M.2613 - ALCOA/BHP BILLITON/JV**

*Notification of 21.09.2001 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89<sup>1</sup>*

*Publication in the Official Journal of the European Communities No. C273 of 28.09.2001.*

1. On 21.09.2001, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertakings Alcoa Inc. USA ('Alcoa') and BHP Billiton plc UK and AUS ('BHP Billiton') acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of a newly created joint venture company ('JV') by way of purchase of shares.
2. The business activities of the undertakings concerned are :
  - for Alcoa : active at various level of the aluminium industry
  - for BHP Billiton : dual listed (UK and AUS) international mining company
  - for JV : it will distribute aluminium, steel and other metals in North America

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<sup>1</sup> OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph a, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>2</sup>.
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 (EEC) No. 4064/89.

For the Commission,

Signed by  
Mario Monti  
Member of the Commission

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<sup>2</sup> OJ C 217, 29.07.2000, p. 32.