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***Case No COMP/M.3145 -  
XSTRATA / MIM***

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: 19/05/2003

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19/05/2003  
SG (2003) D/229815

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

**To the notifying party**

**Via their legal representative**

Dear Sirs,

**Subject: Case No. COMP/M.3145 - XSTRATA/MIM  
Notification of 08.04.2003 pursuant to Article 4 of Council Regulation (EEC)  
No. 4064/89<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C 90/02,  
15.04.2003, page 2**

1. On 08/04/2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertaking Xstrata plc ("Xstrata", Switzerland) controlled (in the sense of Council Regulation (EEC) No 4064/89) by Glencore International AG ("Glencore", Switzerland) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertakings MIM Holdings Limited ("MIM", Australia) by way of purchase of shares.
  
2. The business activities of the undertakings concerned are :
  - Xstrata: Natural resources group, mainly active in coal, zinc and ferroalloys.

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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.

- MIM: Mining and mineral processing company producing copper, coal, lead, zinc, silver and gold.
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 c 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)*

Michel BARNIER  
Member of the Commission

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