

***Case No COMP/M.3264 -
ANGLOGOLD /
ASHANTI
GOLDFIELDS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 29/01/2004

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.01.2004

SG-Greffe(2004) D/200310

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

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

**Subject: Case No. COMP/M.3264 – AngloGold / Ashanti
Notification of 17.12.2003 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹, as last amended by Regulation (EC) No 1310/97²
Publication in the Official Journal of the European Union No. C 317 of
30.12.2003, page 17**

1. On 17.12.2003, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertaking AngloGold Limited ('AngloGold', South Africa), controlled by Anglo American plc (United Kingdom), acquires, within the meaning of Article 3(1)(b) of the Regulation, control of the whole of the undertaking Ashanti Goldfields Company Limited ('Ashanti', Ghana) by way of exchange of shares.

The business activities of the undertakings concerned are:

- AngloGold: global gold mining company,

¹ OJ L 395, 30.12.1989 p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

² OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

- Anglo American: global mining and natural resources company (gold, platinum, diamonds, coal, metals, minerals and forest products),
 - Ashanti: gold mining and exploration in Ghana, Guinea, Tanzania and Zimbabwe; platinum exploration in South Africa.
2. 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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89³.
 3. 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)
Mario MONTI
Member of the Commission

³ OJ C 217, 29.07.2000, p. 32.