

***Case No COMP/M.3359 -
ANGLO AMERICAN /
BAUERNFEIND***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/02/2004

*Also available in the CELEX database
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 4-2-2004

SG-Greffe(2004) D/200437

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Sirs,

**Subject: Case No. COMP/M.3359 – ANGLO AMERICAN/BAUERNFEIND
Notification of 23/12/2003 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 006, 10/1/2004,
page 24**

1. On 23/12/2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89, as last amended by Regulation (EC) No 1310/97, by which the undertaking Mondi Packaging Holding AG (“Mondi”), controlled by Anglo American Plc (“Anglo American”), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the Austrian undertaking Roman Bauernfeind Holding AG (“Bauernfeind”) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for undertaking Mondi: paper and packaging products

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.

- for undertaking Anglo American: mining in various precious and non-precious metals and minerals; paper and packaging products; financial services
 - for undertaking Bauernfeind: corrugated paper and packaging
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 4064/89³.
 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,
Mario MONTI
Member of the Commission

³ OJ C 217, 29.07.2000, p. 32.