

***Case No COMP/M.4310 -
PHELPS DODGE / INCO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 06/09/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06-09-2006

SG-Greffe(2006) D/205002

SIMPLIFIED PROCEDURE

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

PUBLIC VERSION

To the notifying party

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

Subject: Case No. COMP/M.4310 - PHELPS DODGE/ INCO

Notification of 01.08.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 186 of 09/08/2006, page 6.

1. On 01.08.2006, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Phelps Dodge Corporation ("Phelps Dodge", USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Inco Limited ("Inco", Canada) by way of public bid announced on 26.6.2006.

The business activities of the undertakings concerned are:

- for Phelps Dodge: mining, processing and refining of copper and molybdenum, and the production and sale of electrical wires and cables;

¹ OJ L 24, 29.1.2004 p. 1.

- for Inco: mining, processing, refining and sale of various nickel products, copper, cobalt and precious metals.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
 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 (EC) No. 139/2004.

For the Commission,
(signed by L.Evans)
Philip LOWE
Director General

² Available on DG COMP website:
http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf.