

***Case No COMP/M.4374 -  
CVRD / INCO***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 05/10/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05-X-2006

SG-Greffe(2006) D/205604

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

**Subject: Case No. COMP/M.4374 - CVRD/ INCO**  
**Notification of 31/08/2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>**  
**Publication in the Official Journal of the European Union No. C215 of 7.09.2006, page 2.**

1. On 31/08/2006 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Companhia Vale do Rio Doce ("CVRD", Brazil) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Inco Limited ("Inco", Canada) by way of public bid announced on 11.08.2006.

The business activities of the undertakings concerned are:

- for CVRD: diversified mining company active in the production of ferrous (iron ore, pellets, manganese ore and ferroalloys) and non-ferrous minerals (kaolin, potash, copper and aluminum);
- for Inco: mining company active in the production of various nickel products, copper, cobalt and precious metals.

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1

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. 139/2004<sup>2</sup>.
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  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005 p.32