

***Case No COMP/M.5308 -
TECK COMINCO /
FORDING CANADIAN
COAL TRUST***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 12/09/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.09.2008
SG-Greffe(2008) D/205426
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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

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

Subject: Case No COMP/M.5308 - TECK COMINCO/ FORDING CANADIAN COAL TRUST
Notification of 14.08.2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 216 of 23.08.2008, page 27.

1. On 14.08.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Teck Cominco Limited ("Teck", Canada) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Fording Canadian Coal Trust ("Fording", Canada) by way of purchase of assets, which consist principally of a royalty in respect of Fording's interest in the Elk Valley Coal Partnership ("EVCP"), a joint venture between Fording and Teck.

¹ OJ L 24, 29.1.2004, p. 1.

2. The business activities of the undertakings concerned are:
 - for Teck: mining, smelting and refining of zinc, production of other metals and by-products through its mining activities.
 - for Fording: mutual trust fund established in connection with the creation of EVCP.
 - for EVCP: production of coking coal from its mines in Canada.
3. 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.
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 (EC) No 139/2004.

For the Commission
(Signed)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.