

***Case No COMP/M.7399 - ANGLO AMERICAN/ BHP  
BILLITON/ SAMANCOR***

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: 03/12/2014

***In electronic form on the EUR-Lex website under document  
number 32014M7399***



## EUROPEAN COMMISSION

Brussels, 03.12.2014  
C(2014) 9369 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

### **To the notifying parties:**

**Subject: Case M.7399 - ANGLO AMERICAN/ BHP BILLITON/ SAMANCOR  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup>**

1. On 6 November 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Anglo American plc ("Anglo American", United Kingdom) and "BHP Billiton" (Australia and United Kingdom) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertakings Samancor Holdings Proprietary Limited (South Africa), Groote Eylandt Mining Company Proprietary Limited (Australia) and Samancor AG (Switzerland) (together "Samancor") by other means. Samancor is currently solely controlled by BHP Billiton.<sup>2</sup>
2. The business activities of the undertakings concerned are:
  - for Anglo American: the exploration, mining, processing and supply of various natural resources such as platinum group metals, diamonds, copper, iron ore, metallurgical coal, niobium, nickel and thermal coal,
  - for BHP Billiton: global diversified resources company with operations producing iron ore, coal, aluminium, manganese and nickel, copper (mining of copper, silver, lead, zinc, molybdenum, uranium and gold), petroleum and potash,

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

<sup>2</sup> Publication in the Official Journal of the European Union No C 400, 13.11.2014, p. 19.

- for Samancor: production and supply of manganese ore and manganese alloys.
- 3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of point 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>3</sup>
- 4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

*For the Commission*  
*(Signed)*  
*Alexander ITALIANER*  
*Director-General*

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<sup>3</sup> OJ C 366, 14.12.2013, p. 5.