

***Case No COMP/M.7774 - ANTOFAGASTA/ BARRICK/
ZALDIVAR***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 15/10/2015

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EUROPEAN COMMISSION

Brussels, 15.10.2015
C(2015) 7163 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Sirs,

**Subject: Case M.7774 - ANTOFAGASTA/ BARRICK/ ZALDIVAR
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 21 September 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Antofagasta PLC ('Antofagasta', United Kingdom) and Barrick Gold Corporation ('Barrick' Canada) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the undertaking Compañía Minera Zaldívar SpA ('Zaldívar SpA' Chile), currently wholly owned by Barrick, by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Antofagasta: mining group which operates three copper mines located in Chile, two of which produce by-products such as gold, silver and molybdenum;

¹ 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.

² OJ L 1, 3.1.1994, p. 3 ("the EEA Agreement").

³ Publication in the Official Journal of the European Union No C 321, 29.9.2015, p. 4.

- for Barrick: mining group operating 16 mines worldwide, most of which are focused on the production of gold with the exception of two copper mines; the group also owns a majority interest in Acacia Mining plc, which operates three gold mines in Africa;
 - for Zaldivar SpA: newly created company which will operate the Zaldivar mine in Chile, an open-pit heap-leach mine that produces copper, and is currently indirectly owned by Barrick.
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 paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
 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 and Article 57 of the EEA Agreement.

For the Commission
(Signed)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.