

**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case no.: 24/LM/Mar05

In the large merger between:

BHP Billiton Ltd

and

WMC Resources Ltd

Order

Further to the recommendation of the Competition Commission in terms of section 14A(1)(b), the Competition Tribunal orders that –

1. the merger between BHP Billiton Ltd and WMC Resources Ltd be approved in terms of section 16(2)(a); and
2. a Merger Clearance Certificate be issued in terms of Competition Tribunal rule 35(5)(a).


D Lewis

26 April 2005
Date

Concurring: N Manoim and Y Carrim



competitiontribunal south africa

Notice CT 10

About this Notice

This notice is issued in terms of section 16 of the Competition Act.

You may appeal against this decision to the Competition Appeal Court within 20 business days.

Contacting the Tribunal

The Competition Tribunal
Private Bag X28
Lynnwood Ridge
Pretoria 0040
Republic of South Africa
tel: 27 12 394 3300
fax: 27 12 394 0169
e-mail: ctsa@comptrib.co.za

Merger Clearance Certificate

26-Apr-2005

Date: _____

To: Cliffe Dekker

(Name and file number of merger:)

BHP Billiton Ltd
and
WMC Resources Ltd
Case no.: 24/LM/Mar05

You applied to the Competition Commission on 22-Mar-2005
for merger approval in accordance with Chapter 3 of the Competition Act.

Your merger was referred to the Competition Tribunal in terms of section 14A of the Act, or was the subject of a Request for Consideration by the Tribunal in terms of section 16(1) of the Act.

After reviewing all relevant information, and the recommendation or decision of the Competition Commission, the Competition Tribunal approves the merger in terms of section 16(2) of the Act, for the reasons set out in the Reasons for Decision.

This approval is subject to:

- no conditions.
 the conditions listed on the attached sheet.

The Competition Tribunal has the authority in terms of section 16(3) of the Competition Act to revoke this approval if

- (a) it was granted on the basis of incorrect information for which a party to the merger was responsible.
(b) the approval was obtained by deceit.
(c) a firm concerned has breached an obligation attached to this approval.

The registrar, Competition Tribunal:
