

***Case No COMP/M.5795 -
SIEMENS/ SINARA
LOCOMOTIVES/ JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/04/2010

***In electronic form on the EUR-Lex website under document
number 32010M5795***



EUROPEAN COMMISSION

Brussels, 6.4.2010
SG-Greffe(2010) D/4899/4900
C(2010)2321

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.5795 – SIEMENS/ SINARA LOCOMOTIVES/ JV
Notification of 01.03.2010 pursuant to Article 4 of Council Regulation No
139/2004¹
Publication in the Official Journal of the European Union No C 58, 10.03.2010,
p. 18**

1. On 01.03.2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Siemens Aktiengesellschaft ("Siemens", Germany) and Sinara Locomotives Limited ("Sinara Locomotive", Cyprus), controlled by Mr. Pumpyansky (Russia), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Ural Locomotives Holding Company ("Holding Company", the Netherlands) and OOO Ural Locomotives ("Operating Company", Russia) by way of purchase of shares in a newly created company constituting a joint venture. The Operating Company shall be active in the design, manufacturing, commissioning, marketing, sale and servicing of locomotives in Russia.

¹ OJ L 24, 29.1.2004, p. 1 (the "Merger Regulation"). With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and, 102, respectively, of the Treaty on the Functioning of the European Union ("TFEU"). The two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82, respectively, of the EC Treaty where appropriate. The TFEU also introduced certain changes in terminology, 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. The business activities of the undertakings concerned are:
- for Siemens: Energy, Healthcare and Industry. Siemens' Sector Industry is active in the area of railway technology encompassing in particular electrical and diesel locomotives;
 - for the Pumpyansky group: financial service, property development, steel pipe production, transport machinery engineering, including electrical and diesel locomotives.
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 paragraphs 5(a) and 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation No 139/2004².
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

² OJ C 56, 05.3.2005, p. 32 ("Notice on a simplified procedure").