

***Case No COMP/M.4695 -
ALSTOM / SBB CARGO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/08/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22/VIII/2007

SG-Greffe(2007) D/205145

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

Dear Madam, Dear Sir,

**Subject: Case No. COMP/M.4695 – Alstom/SBB Cargo/JV
Notification of 20.07.2007 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C176,
28.07.2007, p.29**

1. On 20.07.2007, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which Alstom Schienenfahrzeuge AG ("Alstom", Switzerland, part of the Alstom group), and SBB Cargo AG ("SBB", Switzerland), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Alstom Rail Service ("ARS", Switzerland), by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are :
 - Alstom : rail transport equipment
 - SBB : rail transport services
 - ARS : rail transport maintenance services
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 a, 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