

EN

***Case No COMP/M.6269 -
SNCF / HFPS /
WEHINGER GMBH /
RAIL HOLDING***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 20/07/2011

***In electronic form on the EUR-Lex website under document
number 32011M6269***



EUROPEAN COMMISSION

Brussels, 20.07.2011
C(2011) 5370

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/ M.6269 - SNCF / HFPS / WEHINGER GMBH / RAIL HOLDING
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On 20 June 2011, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking(s) SNCF (France), Haselsteiner Familien-Privatstiftung ("HFPS", Austria) and Stefan Wehinger Beteiligungs-und Beratungs GMBH ("Wehinger GmbH", Austria) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Rail Holding AG (Austria) by way of purchase of shares in a newly created company constituting a joint venture².
2. The business activities of the undertakings concerned are:
 - for SNCF : rail passenger and freight transportation services in France and other EEA countries; management of the French railway infrastructure.

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 Publication in the Official Journal of the European Union No C 187, 28.6.2011, p. 28.

- for HFPS : investments in small and medium-sized businesses active in different sectors such as the construction sector.
 - for Wehinger GmbH : holding of a shareholding in Rail Holding AG.
 - for Rail Holding AG : shareholder of WESTbahn Management GmbH (Austria), planning to operate rail passenger transportation services in Austria.
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 (a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 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

³ OJ C 56, 5.3.2005, p. 32.