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***Case No COMP/M.6729 - SNCF PARTICIPATIONS/
STRUKTON RAIL/ EUROPOOL***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/12/2012

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EUROPEAN COMMISSION

Brussels, 04.12.2012
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PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6729 – SNCF PARTICIPATIONS/ STRUKTON RAIL/
EUROPOOL
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 31.10.2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings SNCF Participations SAS ("SNCF-P", France), controlled by Société Nationale des Chemins de Fer Français ("SNCF", France), and Strukton Rail BV ("Strukton Rail", the Netherlands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Europool B.V. ("Europool", the Netherlands), which controls the undertakings Eurailscout Inspection & Analysis B.V. ("Eurailscout", the Netherlands) and Erdmann-Software GmbH ("Erdmann-Software", Germany), and by which the undertaking SNCF-P acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of a newly-created subsidiary of Eurailscout (the "Service Company", France), by way of purchase of shares.
2. The business activities of the undertakings concerned are:

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.

- for SNCF: various economic activities, including railway, road and overseas transportation of goods and passengers. SNCF is the operator on behalf of the French rail network manager "Réseau ferré de France" of technical services for the building of the transportation plan and the management of railway traffic as well as maintenance, works and engineering services on the French railway network;
 - for Strukton Rail: development, installation and maintenance of rail systems;
 - for Eurailscout: mobile collection and monitoring of data relating to the state of the railway infrastructure;
 - for Erdmann-Software: development and sale of software for data related to the measuring and monitoring of railway infrastructure;
 - for the Service Company: mobile collection and monitoring of data relating to the state of the railway infrastructure mainly in France.²
2. 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.
3. 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 Publication in the Official Journal of the European Union No C 349, 15.11.2012, p. 2

³ OJ C 56, 5.3.2005, p. 32.