

***Case No COMP/M.6960 - SNCF/ COMSA-EMTE/ CRT***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION

Date: 16/09/2013

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EUROPEAN COMMISSION

Brussels, 16.9.2013  
C(2013) 6226

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party:**

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

**Subject: Case No COMP/M.6960 – SNCF/ COMSA-EMTE/ CRT  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 16.08.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the SNCF Group ("SNCF", France) and COMSA-EMTE T&L, S.L. ("COMSA-EMTE", Spain), part of the COMSA-EMTE Group (Spain), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of COMSA Rail Transport, S.A.U. ("CRT", Spain) by way of purchase of shares.<sup>2</sup>

2. The business activities of the undertakings concerned are:

- for SNCF : rail passenger transportation (regional and long-distance transport), infrastructure & engineering services in France and other European countries and a full range of freight transport and logistics solutions in Europe and all over the world.

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<sup>1</sup> 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.

<sup>2</sup> Publication in the Official Journal of the European Union No C244, 24.08.2013, p. 5.

- for COMSA-EMTE : the holding company of the transport division of the COMSA-EMTE Group, a Spanish group active in the infrastructure, construction and technology sectors, as well as systems and engineering, environment and renewable energy services.
- for CRT : subsidiary of the COMSA-EMTE providing rail freight transport, rail traction, rail freight forwarding and other transport-related services, including shunting and container handling in railway terminals, and rail freight and transport engineering consulting mainly in Spain.

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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.

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*

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32.