



EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

**Subject: Case M.8496 — Strabag/Max Bögl International/SMB
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 22 May 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Strabag AG ('Strabag', Austria) and Max Bögl International SE ('Bögl', Germany) acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of SMB Construction International GmbH ('SMB', Germany) by way of purchase of shares in a newly created company constituting a joint venture.³
2. The business activities of the undertakings concerned are:
 - for Strabag: all areas of the building and construction industry, especially road construction, civil engineering, project management and construction materials,
 - for Bögl: various segments of the construction industry, especially construction of public buildings, civil engineering and infrastructure,
 - for SMB: construction of inclining curves for proving grounds for automobiles.

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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 183, 29.5.2018, p. 17.

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 139/2004.⁴
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 and Article 57 of the EEA Agreement.

For the Commission

(Signed)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.