



EUROPEAN COMMISSION  
DG Competition

***Case M.8824 - MITSUI  
RAIL CAPITAL  
EUROPE / SIEMENS  
NEDERLAND / JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 26/04/2018

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## EUROPEAN COMMISSION

Brussels, 26.04.2018  
C(2018) 2685 final

PUBLIC VERSION

### **To the notifying parties**

**Subject: Case M.8824 – Mitsui Rail Capital Europe/Siemens Nederland/JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 3 April 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Mitsui Rail Capital Europe GmbH ('MRCE', Germany), belonging to the group Mitsui (Japan), and Siemens Nederland N.V. ('Siemens', the Netherlands), belonging to the group Siemens (Germany), acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control of a maintenance workshop for locomotives in the Rotterdam harbour area by way of purchase of shares in a newly created company constituting a joint venture.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for MRCE: operational leasing of rolling stock, procurement and financing of locomotives,
  - for Siemens: primarily active in the divisions Power and Gas, Power Generation Services, Energy Management, Building Technologies, Mobility, Digital Factory, Process Industries and Drives, Siemens Healthineers and Siemens Gamesa Renewable Energy.
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 paragraphs 5(a)

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

<sup>3</sup> Publication in the Official Journal of the European Union No C 122, 09.04.2018, p.8.

and 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</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 and Article 57 of the EEA Agreement.

*For the Commission*

*(signed)*

*Johannes LAITENBERGER*

*Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.