



EUROPEAN COMMISSION
DG Competition

***Case M.9042 - KEOLIS /
AMEY / W&B RAIL
FRANCHISE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 07/09/2018

***In electronic form on the EUR-Lex website under document
number 32018M9042***



EUROPEAN COMMISSION

Brussels, 7.9.2018
C(2018) 5956 final

PUBLIC VERSION

To the notifying parties:

**Subject: Case M.9042 - KEOLIS / AMEY / W&B RAIL FRANCHISE
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 09 August 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Keolis (UK) Limited ("Keolis", United Kingdom), ultimately controlled by Société nationale des chemins de fer français (SNCF) and Amey Rail Limited ("Amey", United Kingdom), ultimately owned by Ferrovial S.A. (Spain) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over the whole of the undertaking Wales and Borders Rail Franchise ("W&B Rail Franchise", United Kingdom) by way of a franchise agreement.³
2. The business activities of the undertakings concerned are:
 - Keolis: provision of public transportation services in 16 countries across the world;
 - Amey: provision of infrastructure asset management services to private and public sectors mainly in the UK;
 - W&B Rail Franchise: provision of passenger rail services across Wales, as well as services to destinations in England (on longer distance rail services originating or terminating in Wales).
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(b) of

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 295, 21.8.2018, p. 5.

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.