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### Information and Notices

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Price:  
EUR 3

<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

## II

*(Information)*

## INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COMMISSION

**Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty****Cases where the Commission raises no objections****(Text with EEA relevance)****(2009/C 294/01)**

Date of adoption of the decision	14.10.2009
Reference number of State Aid	N 555/08
Member State	Netherlands
Region	Noord-Brabant
Title (and/or name of the beneficiary)	Centrumplan gemeente Mill en St. Hubert
Legal basis	Centrumplan gemeente Mill en St. Hubert
Type of measure	Individual aid
Objective	Contract-related aid
Form of aid	Direct grant
Budget	EUR 1,5 million
Intensity	—
Duration (period)	—
Economic sectors	Construction
Name and address of the granting authority	Gemeente Mill en St. Hubert Postbus 39 5450 AA Mill NEDERLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	9.6.2009
Reference number of State Aid	N 82b/09
Member State	Finland
Region	—
Title (and/or name of the beneficiary)	'Temporary Framework Guarantee Measure'
Legal basis	— Valtion erityisrahoitusyhtiöstä annettu laki (443/1998), erityisesti sen 2 § ja valtion erityisrahoitusyhtiön luotto- ja takaustoiminnasta annettu laki (445/1998), erityisesti sen 2–4 §:t.
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Guarantee
Budget	Overall budget: EUR 190 million
Intensity	—
Duration (period)	Until 31.12.2010
Economic sectors	All sectors
Name and address of the granting authority	Ministry of Employment and the Economy PO Box 32 FI-00023 Government SUOMI/FINLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	9.6.2009
Reference number of State Aid	N 228/09
Member State	Slovenia
Region	—
Title (and/or name of the beneficiary)	Temporary aid scheme for granting limited amounts of compatible aid
Legal basis	Ukrep izvajanja pomoči male vrednosti
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Direct grant
Budget	Overall budget: EUR 120 million
Intensity	—

Duration (period)	Until 31.12.2010
Economic sectors	All sectors
Name and address of the granting authority	Ministrstvo za gospodarstvo Kotnikova 5 SI-1000 Ljubljana SLOVENIJA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	13.7.2009
Reference number of State Aid	N 387/09
Member State	Estonia
Region	—
Title (and/or name of the beneficiary)	'Compatible limited amounts of aid' (Ühisturuga kokkusobiv piiratud summas antav abi)
Legal basis	„Ühisturuga kokkusobiv piiratud summas antav abi”; ‘The procedure for application for market development support and processing of an application, the list of eligible costs and the limit of support’ (26 March 2008)
Type of measure	Individual aid
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Direct grant, Soft loan, Guarantee
Budget	Overall budget: EEK 3 198 million
Intensity	Measure does not constitute aid
Duration (period)	Until 31.12.2010
Economic sectors	All sectors
Name and address of the granting authority	Ministry of Finance Foundation Enterprise Estonia („Ettevõtluse Arendamise Sihtasutus") Liivalaia 13/15 10118 Tallinn EESTI/ESTONIA Credit and Export Guarantee Fund („Krediidi ja Ekspordi Garanteerimise SA KredEx") Pärnu mnt 67b 10134 Tallinn EESTI/ESTONIA Estonian Agricultural Registers and Information Board (ARIB) („Põllumajanduse Registrite ja Informatsiooni Amet") Narva mnt 3 51009 Tartu EESTI/ESTONIA

Other information	—
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The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	26.10.2009
Reference number of State Aid	N 521/09
Member State	Austria
Region	—
Title (and/or name of the beneficiary)	Verlängerung der staatlichen Beihilfe N 72/07 — Verlängerung der Richtlinien für die TOP-Tourismus-Förderung 2007—2013, Teil D — TOP-Restrukturierung
Legal basis	Richtlinien TOP-Tourismus-Förderung 2007—2013
Type of measure	Aid scheme
Objective	Restructuring of firms in difficulty
Form of aid	Guarantee, Interest subsidy, Parafiscal levy
Budget	Annual budget: EUR 0,45 million Overall budget: EUR 1,35 million
Intensity	—
Duration (period)	10.10.2009-9.10.2012
Economic sectors	Hotels and restaurants (tourism), Service activities
Name and address of the granting authority	Österreichische Hotel- und Tourismusbank Gesellschaft m.b.H Parkring 12 a 1011 Wien ÖSTERREICH
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

## COMMISSION

Euro exchange rates <sup>(1)</sup>

2 December 2009

(2009/C 294/02)

1 euro =

Currency			Exchange rate		
USD	US dollar	1,5090	AUD	Australian dollar	1,6262
JPY	Japanese yen	131,55	CAD	Canadian dollar	1,5766
DKK	Danish krone	7,4419	HKD	Hong Kong dollar	11,6949
GBP	Pound sterling	0,90430	NZD	New Zealand dollar	2,0742
SEK	Swedish krona	10,3413	SGD	Singapore dollar	2,0830
CHF	Swiss franc	1,5072	KRW	South Korean won	1 741,27
ISK	Iceland króna		ZAR	South African rand	11,0459
NOK	Norwegian krone	8,4210	CNY	Chinese yuan renminbi	10,3009
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,3080
CZK	Czech koruna	25,972	IDR	Indonesian rupiah	14 238,30
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	5,0951
HUF	Hungarian forint	270,50	PHP	Philippine peso	70,184
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	44,1100
LVL	Latvian lats	0,7080	THB	Thai baht	50,031
PLN	Polish zloty	4,1086	BRL	Brazilian real	2,5950
RON	Romanian leu	4,2455	MXN	Mexican peso	19,3303
TRY	Turkish lira	2,2622	INR	Indian rupee	69,9200

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

**Commission notice concerning the quantity not applied for to be added to the quantity fixed for the subperiod 1 April to 30 June 2010 under certain quotas opened by the Community for products in the poultrymeat sector**

(2009/C 294/03)

Commission Regulation (EC) No 616/2007 <sup>(1)</sup> opened tariff quotas for imports of products in the poultrymeat sector. The applications for import licences lodged during the first seven days of October 2009 for the subperiod 1 January to 31 March 2010 do not, for quotas 09.4212, 09.4214, 09.4216 and 09.4218, cover the quantities available. Pursuant to the second sentence of Article 7(4) of Commission Regulation (EC) No 1301/2006 <sup>(2)</sup>, the quantities that were not applied for are to be added to the quantity fixed for the following quota subperiod, from 1 April to 30 June 2010; they are set out in the Annex to this notice.

ANNEX

Quota order number	Quantities not applied for, to be added to the quantity fixed for the subperiod 1 April to 30 June 2010 (in kg)
09.4212	74 088 000
09.4214	11 977 776
09.4216	2 659 510
09.4218	9 276 800

<sup>(1)</sup> OJ L 142, 5.6.2007, p. 3.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.



## NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY

**EFTA Surveillance Authority Notice on Immunity from fines and reduction of fines in cartel cases**

(2009/C 294/04)

- A. The present notice is issued pursuant to the rules of the Agreement on the European Economic Area (EEA Agreement) and the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice (Surveillance and Court Agreement).
- B. The European Commission has issued a notice entitled 'Notice on Immunity from fines and reduction of fines in cartel cases' <sup>(1)</sup>. That non-binding act sets out the principles which the European Commission follows in respect of the granting of immunity or reduced fines in cases considered under Article 81 of the EC Treaty and/or Article 53 of the EEA Agreement <sup>(2)</sup>.
- C. The EFTA Surveillance Authority considers the abovementioned act to be EEA relevant. In order to maintain equal conditions of competition and to ensure a uniform application of the EEA competition rules throughout the European Economic Area (EEA), the Authority adopts the present notice under the power conferred upon it by Article 5(2)(b) of the Surveillance and Court Agreement. It intends to follow the principles and rules laid down in this notice when applying the relevant EEA rules to a particular case.
- D. The present notice replaces the EFTA Surveillance Authority's 2003 notice on the non-imposition or reduction of fines in cartel cases (the '2003 notice') <sup>(3)</sup>.

**I. INTRODUCTION**

- (1) This notice sets out the framework for rewarding cooperation in the EFTA Surveillance Authority investigation by undertakings which are or have been party to secret cartels affecting the EEA. Cartels are agreements and/or concerted practices between two or more competitors aimed at coordinating their competitive behaviour on the market and/or influencing the relevant parameters of competition through practices such as the fixing of purchase or selling prices or other trading conditions, the allocation of production or sales quotas, the sharing of markets including bid-rigging, restrictions of imports or exports and/or anti-competitive actions against other competitors. Such practices are among the most serious violations of Article 53 EEA.
- (2) By artificially limiting the competition that would normally prevail between them, undertakings avoid exactly those pressures that lead them to innovate, both in terms of product development and the introduction of more efficient production methods. Such practices also lead to more expensive raw materials and components for the EEA companies that purchase from such producers. They ultimately result in artificial prices and reduced choice for the consumer. In the long term, they lead to a loss of competitiveness and reduced employment opportunities.
- (3) By their very nature, secret cartels are often difficult to detect and investigate without the cooperation of undertakings or individuals implicated in them. Therefore, the EFTA Surveillance Authority considers that it is in the EEA interest to reward undertakings involved in this type of illegal

<sup>(1)</sup> OJ C 298, 8.12.2006, p. 17.

<sup>(2)</sup> The competence to handle individual cases falling under Articles 53 and 54 of the EEA Agreement is divided between the EFTA Surveillance Authority and the European Commission according to the rules laid down in Article 56 of the EEA Agreement. Only one authority is competent to handle any given case.

<sup>(3)</sup> OJ C 10, 16.1.2003, p. 13 and EEA Supplement to the OJ No 3, 16.1.2003, p. 1.

practices which are willing to put an end to their participation and co-operate in the Authority's investigation, independently of the rest of the undertakings involved in the cartel. The interests of consumers and citizens in ensuring that secret cartels are detected and punished outweigh the interest in fining those undertakings that enable the Authority to detect and prohibit such practices.

- (4) The EFTA Surveillance Authority considers that the collaboration of an undertaking in the detection of the existence of a cartel has an intrinsic value. A decisive contribution to the opening of an investigation or to the finding of an infringement may justify the granting of immunity from any fine to the undertaking in question, on condition that certain additional requirements are fulfilled.
- (5) Moreover, co-operation by one or more undertakings may justify a reduction of a fine by the EFTA Surveillance Authority. Any reduction of a fine must reflect an undertaking's actual contribution, in terms of quality and timing, to the Authority's establishment of the infringement. Reductions are to be limited to those undertakings that provide the Authority with evidence that adds significant value to that already in the Authority's possession.
- (6) In addition to submitting pre-existing documents, undertakings may provide the EFTA Surveillance Authority with voluntary presentations of their knowledge of a cartel and their role therein prepared specially to be submitted under this leniency programme. These initiatives have proved to be useful for the effective investigation and termination of cartel infringements and they should not be discouraged by discovery orders issued in civil litigation. Potential leniency applicants might be dissuaded from cooperating with the Authority under this Notice if this could impair their position in civil proceedings, as compared to companies who do not cooperate. Such undesirable effect would significantly harm the public interest in ensuring effective public enforcement of Article 53 EEA in cartel cases and thus its subsequent or parallel effective private enforcement.
- (7) The supervisory task conferred on the EFTA Surveillance Authority by the EEA Agreement <sup>(1)</sup> in competition matters does not only include the duty to investigate and punish individual infringements, but also encompasses the duty to pursue a general policy. The protection of corporate statements in the public interest is not a bar to their disclosure to other addressees of the statement of objections in order to safeguard their rights of defence in the procedure before the Authority, to the extent that it is technically possible to combine both interests by rendering corporate statements accessible only at the Authority premises and normally on a single occasion following the formal notification of the objections.

## II. IMMUNITY FROM FINES

### A. Requirements to qualify for immunity from fines

- (8) The EFTA Surveillance Authority will grant immunity from any fine which would otherwise have been imposed to an undertaking disclosing its participation in an alleged cartel affecting the EEA if that undertaking is the first to submit information and evidence which in the Authority's view will enable it to:
  - (a) carry out a targeted inspection in connection with the alleged cartel <sup>(2)</sup>; or
  - (b) find an infringement of Article 53 EEA in connection with the alleged cartel.
- (9) For the EFTA Surveillance Authority to be able to carry out a targeted inspection within the meaning of point (8)(a), the undertaking must provide the Authority with the information and evidence listed below, to the extent that this, in the Authority's view, would not jeopardize the inspections:
  - (a) A corporate statement <sup>(3)</sup> which includes, in so far as it is known to the applicant at the time of the submission:

<sup>(1)</sup> This task is shared with the European Commission in accordance with Articles 55 and 56 of the EEA Agreement.

<sup>(2)</sup> The assessment of the threshold will have to be carried out ex ante, i.e. without taking into account whether a given inspection has or has not been successful or whether or not an inspection has or has not been carried out. The assessment will be made exclusively on the basis of the type and the quality of the information submitted by the applicant.

<sup>(3)</sup> Corporate statements may take the form of written documents signed by or on behalf of the undertaking or be made orally.

- A detailed description of the alleged cartel arrangement, including for instance its aims, activities and functioning; the product or service concerned, the geographic scope, the duration of and the estimated market volumes affected by the alleged cartel; the specific dates, locations, content of and participants in alleged cartel contacts, and all relevant explanations in connection with the pieces of evidence provided in support of the application.
  - The name and address of the legal entity submitting the immunity application as well as the names and addresses of all the other undertakings that participate(d) in the alleged cartel.
  - The names, positions, office locations and, where necessary, home addresses of all individuals who, to the applicant's knowledge, are or have been involved in the alleged cartel, including those individuals which have been involved on the applicant's behalf.
  - Information on which other competition authorities, inside or outside the EEA, have been approached or are intended to be approached in relation to the alleged cartel; and
- (b) Other evidence relating to the alleged cartel in possession of the applicant or available to it at the time of the submission, including in particular any evidence contemporaneous to the infringement.
- (10) Immunity pursuant to point (8)(a) will not be granted if, at the time of the submission, the EFTA Surveillance Authority had already sufficient evidence to adopt a decision to carry out an inspection in connection with the alleged cartel or had already carried out such an inspection.
- (11) Immunity pursuant to point (8)(b) will only be granted on the cumulative conditions that the EFTA Surveillance Authority did not have, at the time of the submission, sufficient evidence to find an infringement of Article 53 EEA in connection with the alleged cartel and that no undertaking had been granted conditional immunity from fines under point (8)(a) in connection with the alleged cartel. In order to qualify, an undertaking must be the first to provide contemporaneous, incriminating evidence of the alleged cartel as well as a corporate statement containing the kind of information specified in point (9)(a), which would enable the Authority to find an infringement of Article 53 EEA.
- (12) In addition to the conditions set out in points (8)(a), (9) and (10) or in points (8)(b) and 11, all the following conditions must be met in any case to qualify for any immunity from a fine:
- (a) The undertaking cooperates genuinely<sup>(1)</sup>, fully, on a continuous basis and expeditiously from the time it submits its application throughout the EFTA Surveillance Authority's administrative procedure. This includes:
- providing the Authority promptly with all relevant information and evidence relating to the alleged cartel that comes into its possession or is available to it,
  - remaining at the Authority's disposal to answer promptly to any request that may contribute to the establishment of the facts,
  - making current (and, if possible, former) employees and directors available for interviews with the Authority,

<sup>(1)</sup> This requires in particular that the applicant provides accurate, not misleading, and complete information. Cfr judgement of the European Court of Justice of 29 June 2006 in case C-301/04 P, *Commission v SGL Carbon AG a.o.*, at paragraphs 68-70, and judgement of the European Court of Justice of 28 June 2005 in cases C-189/02 P, C-202/02 P, C-205/02 P, C- 208/02 P and C-213/02 P, *Dansk Rørindustri A/S a.o. v. Commission*, at paragraphs 395-399. Article 6 of the EEA Agreement provides that, without prejudice to future developments of case-law, the provisions of this Agreement, in so far as they are identical in substance to corresponding rules of the Treaty establishing the European Community and the Treaty establishing the European Coal and Steel Community and to acts adopted in application of these two treaties, shall in their implementation and application, be interpreted in conformity with the relevant rulings of the Court of Justice of the European Communities given prior to the date of signature of the EEA Agreement. As regards relevant rulings by the Court of Justice given after the date of signature of the EEA Agreement, it follows from Article 3(2) of the Surveillance and Court Agreement that the EFTA Surveillance Authority and the EFTA Court shall pay due account to the principles laid down by these rulings.

- not destroying, falsifying or concealing relevant information or evidence relating to the alleged cartel, and
  - not disclosing the fact or any of the content of its application before the Authority has issued a statement of objections in the case, unless otherwise agreed,
- (b) The undertaking ended its involvement in the alleged cartel immediately following its application, except for what would, in the Authority's view, be reasonably necessary to preserve the integrity of the inspections,
- (c) When contemplating making its application to the Authority, the undertaking must not have destroyed, falsified or concealed evidence of the alleged cartel nor disclosed the fact or any of the content of its contemplated application, except to other competition authorities.
- (13) An undertaking which took steps to coerce other undertakings to join the cartel or to remain in it is not eligible for immunity from fines. It may still qualify for a reduction of fines if it fulfils the relevant requirements and meets all the conditions therefor.

#### B. Procedure

- (14) An undertaking wishing to apply for immunity from fines should contact the EFTA Surveillance Authority's Competition and State Aid Directorate. The undertaking may either initially apply for a marker or immediately proceed to make a formal application to the Authority for immunity from fines in order to meet the conditions in points (8)(a) or (8)(b), as appropriate. The Authority may disregard any application for immunity from fines on the ground that it has been submitted after the statement of objections has been issued.
- (15) The EFTA Surveillance Authority services may grant a marker protecting an immunity applicant's place in the queue for a period to be specified on a case-by-case basis in order to allow for the gathering of the necessary information and evidence. To be eligible to secure a marker, the applicant must provide the Authority with information concerning its name and address, the parties to the alleged cartel, the affected product(s) and territory(-ies), the estimated duration of the alleged cartel and the nature of the alleged cartel conduct. The applicant should also inform the Authority on other past or possible future leniency applications to other authorities in relation to the alleged cartel and justify its request for a marker. Where a marker is granted, the Authority services determine the period within which the applicant has to perfect the marker by submitting the information and evidence required to meet the relevant threshold for immunity. Undertakings which have been granted a marker cannot perfect it by making a formal application in hypothetical terms. If the applicant perfects the marker within the period set by the Authority services, the information and evidence provided will be deemed to have been submitted on the date when the marker was granted.
- (16) An undertaking making a formal immunity application to the EFTA Surveillance Authority must:
- (a) provide the Authority with all information and evidence relating to the alleged cartel available to it, as specified in points (8) and (9), including corporate statements; or
  - (b) initially present this information and evidence in hypothetical terms, in which case the undertaking must present a detailed descriptive list of the evidence it proposes to disclose at a later agreed date. This list should accurately reflect the nature and content of the evidence, whilst safeguarding the hypothetical nature of its disclosure. Copies of documents, from which sensitive parts have been removed, may be used to illustrate the nature and content of the evidence. The name of the applying undertaking and of other undertakings involved in the alleged cartel need not be disclosed until the evidence described in its application is submitted. However, the product or service concerned by the alleged cartel, the geographic scope of the alleged cartel and the estimated duration must be clearly identified.
- (17) If requested, the EFTA Surveillance Authority's Competition and State Aid Directorate will provide an acknowledgement of receipt of the undertaking's application for immunity from fines, confirming the date and, where appropriate, time of the application.

- (18) Once the EFTA Surveillance Authority has received the information and evidence submitted by the undertaking under point (16)(a) and has verified that it meets the conditions set out in points (8)(a) or (8)(b), as appropriate, it will grant the undertaking conditional immunity from fines in writing.
- (19) If the undertaking has presented information and evidence in hypothetical terms, the EFTA Surveillance Authority will verify that the nature and content of the evidence described in the detailed list referred to in point (16)(b) will meet the conditions set out in points (8)(a) or (8)(b), as appropriate, and inform the undertaking accordingly. Following the disclosure of the evidence no later than on the date agreed and having verified that it corresponds to the description made in the list, the Authority will grant the undertaking conditional immunity from fines in writing.
- (20) If it becomes apparent that immunity is not available or that the undertaking failed to meet the conditions set out in points (8)(a) or (8)(b), as appropriate, the EFTA Surveillance Authority will inform the undertaking in writing. In such case, the undertaking may withdraw the evidence disclosed for the purposes of its immunity application or request the Authority to consider it under section III of this notice. This does not prevent the Authority from using its normal powers of investigation in order to obtain the information.
- (21) The EFTA Surveillance Authority will not consider other applications for immunity from fines before it has taken a position on an existing application in relation to the same alleged infringement, irrespective of whether the immunity application is presented formally or by requesting a marker.
- (22) If at the end of the administrative procedure, the undertaking has met the conditions set out in point (12), the EFTA Surveillance Authority will grant it immunity from fines in the relevant decision. If at the end of the administrative procedure, the undertaking has not met the conditions set out in point (12), the undertaking will not benefit from any favorable treatment under this Notice. If the Authority, after having granted conditional immunity ultimately finds that the immunity applicant has acted as a coercer, it will withhold immunity.

### III. REDUCTION OF A FINE

#### A. Requirements to qualify for reduction of a fine

- (23) Undertakings disclosing their participation in an alleged cartel affecting the EEA that do not meet the conditions under section II above may be eligible to benefit from a reduction of any fine that would otherwise have been imposed.
- (24) In order to qualify, an undertaking must provide the EFTA Surveillance Authority with evidence of the alleged infringement which represents significant added value with respect to the evidence already in the Authority's possession and must meet the cumulative conditions set out in points (12)(a) to (12)(c) above.
- (25) The concept of 'added value' refers to the extent to which the evidence provided strengthens, by its very nature and/or its level of detail, the EFTA Surveillance Authority's ability to prove the alleged cartel. In this assessment, the Authority will generally consider written evidence originating from the period of time to which the facts pertain to have a greater value than evidence subsequently established. Incriminating evidence directly relevant to the facts in question will generally be considered to have a greater value than that with only indirect relevance. Similarly, the degree of corroboration from other sources required for the evidence submitted to be relied upon against other undertakings involved in the case will have an impact on the value of that evidence, so that compelling evidence will be attributed a greater value than evidence such as statements which require corroboration if contested.
- (26) The EFTA Surveillance Authority will determine in any final decision adopted at the end of the administrative procedure the level of reduction an undertaking will benefit from, relative to the fine which would otherwise be imposed. For the:

— first undertaking to provide significant added value: a reduction of 30-50 %,

— second undertaking to provide significant added value: a reduction of 20-30 %,

— subsequent undertakings that provide significant added value: a reduction of up to 20 %.

In order to determine the level of reduction within each of these bands, the Authority will take into account the time at which the evidence fulfilling the condition in point (24) was submitted and the extent to which it represents added value.

If the applicant for a reduction of a fine is the first to submit compelling evidence in the sense of point (25) which the Authority uses to establish additional facts increasing the gravity or the duration of the infringement, the Authority will not take such additional facts into account when setting any fine to be imposed on the undertaking which provided this evidence.

#### **B. Procedure**

- (27) An undertaking wishing to benefit from a reduction of a fine must make a formal application to the EFTA Surveillance Authority and it must present it with sufficient evidence of the alleged cartel to qualify for a reduction of a fine in accordance with point (24) of this Notice. Any voluntary submission of evidence to the Authority which the undertaking that submits it wishes to be considered for the beneficial treatment of section III of this Notice must be clearly identified at the time of its submission as being part of a formal application for a reduction of a fine.
- (28) If requested, the EFTA Surveillance Authority's Competition and State Aid Directorate will provide an acknowledgement of receipt of the undertaking's application for a reduction of a fine and of any subsequent submissions of evidence, confirming the date and, where appropriate, time of each submission. The Authority will not take any position on an application for a reduction of a fine before it has taken a position on any existing applications for conditional immunity from fines in relation to the same alleged cartel.
- (29) If the EFTA Surveillance Authority comes to the preliminary conclusion that the evidence submitted by the undertaking constitutes significant added value within the meaning of points (24) and (25), and that the undertaking has met the conditions of points (12) and (27), it will inform the undertaking in writing, no later than the date on which a statement of objections is notified, of its intention to apply a reduction of a fine within a specified band as provided in point (26). The Authority will also, within the same time frame, inform the undertaking in writing if it comes to the preliminary conclusion that the undertaking does not qualify for a reduction of a fine. The Authority may disregard any application for a reduction of fines on the grounds that it has been submitted after the statement of objections has been issued.
- (30) The EFTA Surveillance Authority will evaluate the final position of each undertaking which filed an application for a reduction of a fine at the end of the administrative procedure in any decision adopted. The Authority will determine in any such final decision:
- (a) whether the evidence provided by an undertaking represented significant added value with respect to the evidence in the Authority's possession at that same time;
  - (b) whether the conditions set out in points (12)(a) to (12)(c) above have been met;
  - (c) the exact level of reduction an undertaking will benefit from within the bands specified in point (26).

If the Authority finds that the undertaking has not met the conditions set out in point (12), the undertaking will not benefit from any favourable treatment under this Notice.

#### **IV. CORPORATE STATEMENTS MADE TO QUALIFY UNDER THIS NOTICE**

- (31) A corporate statement is a voluntary presentation by or on behalf of an undertaking to the EFTA Surveillance Authority of the undertaking's knowledge of a cartel and its role therein prepared specially to be submitted under this Notice. Any statement made vis-à-vis the Authority in relation to this notice, forms part of the Authority's file and can thus be used in evidence.



- (32) Upon the applicant's request, the EFTA Surveillance Authority may accept that corporate statements be provided orally unless the applicant has already disclosed the content of the corporate statement to third parties. Oral corporate statements will be recorded and transcribed at the Authority's premises. In accordance with Article 19 of Chapter II of Protocol 4 to the Surveillance and Court Agreement <sup>(1)</sup> and Articles 3 and 17 of Chapter III of Protocol 4 to the Surveillance and Court Agreement <sup>(2)</sup>, undertakings making oral corporate statements will be granted the opportunity to check the technical accuracy of the recording, which will be available at the Authority's premises and to correct the substance of their oral statements within a given time limit. Undertakings may waive these rights within the said time-limit, in which case the recording will from that moment on be deemed to have been approved. Following the explicit or implicit approval of the oral statement or the submission of any corrections to it, the undertaking shall listen to the recordings at the Authority's premises and check the accuracy of the transcript within a given time limit. Non-compliance with the last requirement may lead to the loss of any beneficial treatment under this Notice.
- (33) Access to corporate statements is only granted to the addressees of a statement of objections, provided that they commit, — together with the legal counsels getting access on their behalf, not to make any copy by mechanical or electronic means of any information in the corporate statement to which access is being granted and to ensure that the information to be obtained from the corporate statement will solely be used for the purposes mentioned below. Other parties such as complainants will not be granted access to corporate statements. The EFTA Surveillance Authority considers that this specific protection of a corporate statement is not justified as from the moment when the applicant discloses to third parties the content thereof.
- (34) In accordance with the Notice on the rules for access to the EFTA Surveillance Authority file in cases pursuant to Articles 53, 54 and 57 of the EEA Agreement <sup>(3)</sup>, access to the file is only granted to the addressees of a statement of objections on the condition that the information thereby obtained may only be used for the purposes of judicial or administrative proceedings for the application of the EEA competition rules at issue in the related administrative proceedings. The use of such information for a different purpose during the proceeding may be regarded as lack of cooperation within the meaning of points (12) and (27) of this Notice. Moreover, if any such use is made after the EFTA Surveillance Authority has already adopted a prohibition decision in the proceeding, the Authority may, in any legal proceedings before the EFTA Court, ask the Court to increase the fine in respect of the responsible undertaking. Should the information be used for a different purpose, at any point in time, with the involvement of an outside counsel, the Authority may report the incident to the bar of that counsel, with a view to disciplinary action.
- (35) Corporate statements made under the present Notice will only be transmitted to the competition authorities of the Member States pursuant to Article 12 of Chapter II of Protocol 4 to the Surveillance and Court Agreement, provided that the conditions set out in the Notice on cooperation within the EFTA Network of Competition Authorities <sup>(4)</sup> are met and provided that the level of protection against disclosure awarded by the receiving competition authority is equivalent to the one conferred by the Commission.

## V. GENERAL CONSIDERATIONS

- (36) The EFTA Surveillance Authority will not take a position on whether or not to grant conditional immunity, or otherwise on whether or not to reward any application, if it becomes apparent that the application concerns infringements covered by the five years limitation period for the imposition of penalties stipulated in Article 25(1)(b) of Chapter II of Protocol 4 to the Surveillance and Court Agreement, as such applications would be devoid of purpose.

<sup>(1)</sup> Following the Agreement amending Protocol 4 to the Agreement of the EFTA States on the establishment of a Surveillance Authority and a Court of Justice of 24 September 2004, which entered into force on 20 May 2005, Chapter II of Protocol 4 to the Surveillance and Court Agreement reflects to a large extent in the EFTA pillar Council Regulation (EC) No 1/2003 of 16 December 2002.

<sup>(2)</sup> Following the entry into force of the Agreement amending Protocol 4 to the Agreement of the EFTA States on the establishment of a Surveillance Authority and a Court of Justice of 3 December 2004 on 1 July 2005, Chapter III of Protocol 4 to the Surveillance and Court Agreement reflects Commission Regulation (EC) No 773/2004.

<sup>(3)</sup> OJ C 250, 25.10.2007, p. 16 and EEA Supplement to the OJ No 50, 25.10.2007, p. 1.

<sup>(4)</sup> OJ C 227, 21.9.2006, p. 10 and EEA Supplement to the OJ No 47, 21.9.2006, p. 1.

- (37) From the date of its publication in the Official Journal and the EEA supplement thereto, this notice replaces the 2003 EFTA Surveillance Authority notice on immunity from fines and reduction of fines in cartel cases for all cases in which no undertaking has contacted the EFTA Surveillance Authority in order to take advantage of the favourable treatment set out in that notice. However, points (31) to (35) of the current notice will be applied from the moment of its publication to all pending and new applications for immunity from fines or reduction of fines.
- (38) The EFTA Surveillance Authority is aware that this notice will create legitimate expectations on which undertakings may rely when disclosing the existence of a cartel to the Authority.
- (39) In line with the EFTA Surveillance Authority's practice, the fact that an undertaking cooperated with the Authority during its administrative procedure will be indicated in any decision, so as to explain the reason for the immunity or reduction of the fine. The fact that immunity or reduction in respect of fines is granted cannot protect an undertaking from the civil law consequences of its participation in an infringement of Article 53 EEA.
- (40) The EFTA Surveillance Authority considers that normally public disclosure of documents and written or recorded statements received in the context of this notice would undermine certain public or private interests, for example the protection of the purpose of inspections and investigations, within the meaning of the Authority's general rules on access to documents <sup>(1)</sup>, even after the decision has been taken.
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<sup>(1)</sup> See <http://www.eftasurv.int>



**No State aid within the meaning of Article 61 of the EEA Agreement — Bjørndalen Eiendom AS**

(2009/C 294/05)

The EFTA Surveillance Authority considers that the following measure does not constitute State aid within the meaning of Article 61(1) of the EEA Agreement:

<b>Date of adoption of the decision:</b>	8 July 2009
<b>Case number:</b>	47657
<b>EFTA State:</b>	Norway
<b>Title (and/or name of the beneficiary):</b>	Alleged aid being granted to Bjørndalen Eiendom AS
<b>Type of measure:</b>	No aid
<b>Economic sectors:</b>	Nursing home
<b>Name and address of the granting authority:</b>	Municipality of Oslo Rådhuset 0037 Oslo NORWAY
<b>Other information:</b>	—

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website:

<http://www.eftasurv.int/fieldsofwork/fieldstateaid/stateaidregistry/>

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**The EFTA Surveillance Authority's notice on current State aid recovery interest rates and reference/discount rates for three EFTA States applicable as from 1 August 2009**

*(Published in accordance with Article 10 of the Authority's Decision No 195/04/COL of 14 July 2004 (OJ L 139, 25.5.2006, p. 37 and EEA Supplement No 26/2006, 25.5.2006, p. 1))*

(2009/C 294/06)

Base rates are calculated in accordance with the Chapter on the method for setting reference and discount rates of the Authority's State aid Guidelines as amended by the Authority's Decision No 788/08/COL of 17 December 2008. To get the applicable reference rate, appropriate margins have to be added in accordance with the State aid Guidelines. For the discount rate this means that the appropriate margin of 100 basis points has to be added to the base rate. The recovery rate will also normally be calculated by adding 100 basis points to the base rate as foreseen in the Authority's Decision No 789/08/COL of 17 December 2008 amending the Authority's Decision No 195/04/COL of 14 July 2004 (published in OJ L 139, 25.5.2006, p. 37 and in the EEA Supplement No 26/2006, 25.5.2006, p. 1).

	Iceland	Liechtenstein	Norway
1.1.2009-31.1.2009	16,42	2,95	6,43
1.2.2009-28.2.2009	16,42	2,33	5,41
1.3.2009-31.3.2009	16,42	1,58	4,26
1.4.2009-30.6.2009	16,42	1,10	3,38
1.7.2009-31.7.2009	11,24	0,86	2,84
1.8.2009-	8,52	0,86	2,84

**Authorisation of State aid pursuant to Article 61 of the EEA Agreement and Article 1(3) in Part 1  
of Protocol 3 to the Surveillance and Court Agreement**

(2009/C 294/07)

The EFTA Surveillance Authority raises no objections to the following aid measure:

<b>Date of adoption of the decision:</b>	23 July 2009
<b>Case number:</b>	66250
<b>EFTA State:</b>	Iceland
<b>Region:</b>	Reykjanesbær and Garður municipalities in Suðurnes/ Reykjanes area, south-west Iceland
<b>Title (and/or name of the beneficiary):</b>	Norðurál Helguvík ehf
<b>Legal basis:</b>	Article 61(1) and (3) of the EEA Agreement
<b>Objective:</b>	Regional development
<b>Form of aid:</b>	Tax and fee concessions
<b>Budget:</b>	EUR 69 747 000
<b>Intensity:</b>	5,59 %
<b>Duration:</b>	20 years
<b>Economic sectors:</b>	Aluminium production
<b>Name and address of the granting authority:</b>	Ministry of Finance Arnarhvoli 150 Reykjavík Reykjanesbær Town Tjarnargötu 12 230 Keflavík and Garður Municipality Melabraut 3 250 Garður ICELAND
<b>Other information:</b>	—

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website:

<http://www.eftasurv.int/fieldsofwork/fieldstateaid/stateaidregistry/>

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## V

*(Announcements)*

## ADMINISTRATIVE PROCEDURES

## COMMISSION

**Call for proposals — EACEA/29/09 for the implementation of Erasmus Mundus II***(2009/C 294/08)*

- **Action 1 — JOINT PROGRAMMES**
- **Action 2 — PARTNERSHIPS**
- **Action 3 — PROMOTION OF EUROPEAN HIGHER EDUCATION**

**Programme objectives**

The Erasmus Mundus programme's overall aim is to promote European higher education, to help improve and enhance the career prospects of students and to promote intercultural understanding through cooperation with third countries, in accordance with EU external policy objectives in order to contribute to the sustainable development of third countries in the field of higher education.

The programme's specific objectives are:

- to promote structured cooperation between higher education institutions and an offer of enhanced quality in higher education with a distinct European added value, attractive both within the European Union and beyond its borders, with a view to creating centres of excellence,
- to contribute to the mutual enrichment of societies by developing the qualifications of women/men so that they possess appropriate skills, particularly as regards the labour market, and are open-minded and internationally experienced through promoting mobility for the most talented students and academics from third countries to obtain qualifications and/or experience in the European Union and for the most talented European students and academics towards third countries,
- to contribute towards the development of human resources and the international cooperation capacity of higher education institutions in third countries through increased mobility streams between the European Union and third countries,
- to improve accessibility and enhance the profile and visibility of European higher education in the world as well as its attractiveness for third country nationals and citizens of the Union.

The Erasmus Mundus Programme Guide and the relevant application forms for the three actions are available at the following address:

[http://eacea.ec.europa.eu/erasmus\\_mundus/funding/higher\\_education\\_institutions\\_en.php](http://eacea.ec.europa.eu/erasmus_mundus/funding/higher_education_institutions_en.php)

## A. Action 1 — ERASMUS MUNDUS JOINT PROGRAMMES

This action that aims at fostering cooperation between higher education institutions and academic staff in Europe and third countries with a view to creating poles of excellence and providing highly trained human resources is composed of two sub-actions:

- *Action 1A* — Erasmus Mundus Master Courses (EMMCs) and
- *Action 1B* — Erasmus Mundus Joint Doctorates (EMJDs)

whose aim is to support postgraduate programmes of outstanding academic quality, jointly developed by consortia of European and, where relevant, third-country universities and that could contribute to the increased visibility and attractiveness of the European higher education sector. Such joint programmes must involve mobility between the consortia universities and lead to the award of recognised joint, double or multiple degrees.

### A.1. Eligible participants and Consortium composition

The conditions applicable to eligible participants and to the composition of the consortium are specified in the Programme Guide under sections 4.2.1 for Action 1A and 5.2.1 for Action 1B.

### A.2. Eligible Activities

Eligible activities are specified in the Programme Guide under sections 4.2.2 for Action 1A and 5.2.2 for Action 1B. No thematic priorities have been identified for this call.

### A.3. Award Criteria

Action 1A and 1B applications will be assessed against the following award criteria:

- *for Action 1A* — Erasmus Mundus Master Courses (EMMCs):

Criteria	Weight
1. Academic quality	30 %
2. Course integration	25 %
3. Course management, visibility and sustainability measures	20 %
4. Students' facilities and follow-up	15 %
5. Quality assurance and evaluation	10 %
<b>Total</b>	<b>100 %</b>

- *Action 1B* — Erasmus Mundus Joint Doctorates (EMJDs):

Criteria	Weight
1. Academic and research quality	25 %
2. Partnership experience and composition	25 %
3. European integration and functioning of the programme	20 %
4. Provisions for candidates granted an EMJD fellowship	15 %
5. Management, sustainability and quality assurance of the programme	15 %
<b>Total</b>	<b>100 %</b>

#### A.4. Budget

This call for proposals has no direct budgetary impact in 2010. It aims at selecting:

- for Action 1A (EMMCs): 15 new applications and up to 21 renewal applications,
- for Action 1B (EMJDs): 12 new applications.

For each of the selected applications, a five-year Framework Partnership Agreement (FPA) will be issued in the summer of 2010. These FPAs will give rise to the award of annual Specific Grant Agreements starting from the academic year 2011/2012 which will include on the one hand a financial support to the consortia implementing the joint programmes and on the other a yearly defined number of individual scholarships for European and third-country students, doctoral candidates and scholars.

#### A.5. Submission Deadline

The submission deadline for Action 1A Erasmus Mundus Master Courses (EMMCs) and Action 1B Erasmus Mundus Joint Doctorates (EMJDs) is 30 April 2010.

The Agency is currently establishing a system for the electronic submission of all applications. For this call for proposals, applicants must send their application using an electronic form available as of February 2010 (a model of the electronic form will be published on the Agency's website as from December 2009).

This form (including annexes) is considered as the definitive application.

Additionally a paper copy of the complete application must be sent by post to the following address by the submission deadline:

Education, Audiovisual and Culture Executive Agency  
Call for proposals EACEA/29/09 — Action 1  
Att. Mr Joachim Fronia  
BOUR 02/29  
Avenue du Bourget 1  
1040 Bruxelles/Brussel  
BELGIQUE/BELGIË

Only applications submitted by the deadline and in accordance with the requirements specified on the relevant application forms will be accepted. Applications submitted by fax or directly by email only will not be examined.

In order to facilitate the identification of experts with the relevant academic and research expertise, applicants for **Action 1A (Erasmus Mundus Master Courses — EMMCs) and 1B (Erasmus Mundus Joint Doctorates — EMJDs)** are invited to submit a short description of their joint programme (one page maximum including the title, field/area(s) covered, core partners and short summary of the programme structure and key features) preferably one month in advance of the above-mentioned deadline (i.e. **by 31 March 2010**). A template of this summary sheet with the corresponding submission procedure can be downloaded from the following address: [http://eacea.ec.europa.eu/erasmus\\_mundus/funding/higher\\_education\\_institutions\\_en.php](http://eacea.ec.europa.eu/erasmus_mundus/funding/higher_education_institutions_en.php)

#### B. Action 2 — ERASMUS MUNDUS PARTNERSHIPS

##### NOTICE

The Call for proposals is launched with a suspensive clause concerning the ACP lot. The EDF funding (and consequently the award of the resulting grant for the ACP lot) is subject to the pending signature of a Financing Agreement between the European Commission and the ACP Group of States.

This action aims at fostering structured cooperation between European and third-country higher education institutions through the promotion of mobility at all level of studies for students (undergraduate and masters), doctoral candidates, researchers, academic and administrative staff (not all regions and lots may include all mobility flows).

Action 2 — Erasmus Mundus Partnerships (EMA2) is divided into two strands:

- Erasmus Mundus Action 2 — STRAND 1 — Partnerships with countries covered by the ENPI, DCI, EDF and IPA instruments <sup>(1)</sup> (former External Cooperation Window),
- Erasmus Mundus Action 2 — STRAND 2 — Partnerships with countries and territories covered by the Industrialized Country Instrument (ICI).

#### B.1. Eligible participants, Countries and Partnership composition

The conditions applicable to the eligible participants and to the composition of the partnerships are specified in the Programme Guide under section 6.1.2.a for EMA2 — STRAND 1 and under section 6.2.2.a for EMA2 — STRAND 2 and in the Guidelines to the Call for proposals EACEA/29/09 under section 5.3.1 for EMA2 — STRAND 1 and under section 5.3.2 for EMA2 — STRAND 2.

#### B.2. Eligible activities

Eligible activities are specified in the 'Erasmus Mundus 2009-2013 Programme Guide' under section 6.1.2.b for EMA2 — STRAND 1 and under section 6.2.2.b for EMA2 — STRAND 2 and in the 'Guidelines to the Call for proposals EACEA/29/09' under section 5.3.1 for EMA2 — STRAND 1 and under section 5.3.2 for EMA2 — STRAND 2.

#### B.3. Award criteria

Applications under EMA2 — STRAND 1 will be assessed against the following award criteria:

Criteria	Weight
1. Relevance	25 %
2. Quality	65 %
2.1. Partnership composition and cooperation mechanisms	20 %
2.2. Organisation and implementation of the mobility	25 %
2.3. Students'/staff facilities and follow-up	20 %
3. Sustainability	10 %
<b>Total</b>	<b>100 %</b>

<sup>(1)</sup> ENPI — European Neighbourhood and Partnership Instrument

DCI — Development Cooperation Instrument

IPA — Instrument of Pre-accession Assistance

EDF — The European Development Fund (EDF) is the main instrument for providing Community assistance for development cooperation under the Cotonou Agreement: 'the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part and the European Community and its Member States of the other part'.

Applications under EMA2 — STRAND 2 will be assessed against the following award criteria:

Criteria	Weight
1. Relevance	25 %
2. Contribution to excellence	25 %
3. Quality	50 %
3.1. Partnership composition and cooperation mechanisms	15 %
3.2. Organisation and implementation of the mobility	20 %
3.3. Students/staff facilities and follow-up	15 %
<b>Total</b>	<b>100 %</b>

#### B.4. Budget

The overall available amount under this call for proposals is approximately EUR 105,2 million, aiming at a minimum mobility flow of 3 881 individuals.

The available budget for EMA2 — STRAND 1 is EUR 97,7 million aiming at a minimum mobility of 3 716 individuals.

The available budget for EMA2 — STRAND 2 is EUR 7,5 million aiming at a minimum mobility of 165 individuals.

#### B.5. Submission deadline

The submission deadline for the Erasmus Mundus Action 2 — Partnerships is **30 April 2010**.

The grant application shall be sent by registered mail to the following address:

Education, Audiovisual and Culture Executive Agency  
Call for proposals EACEA/29/09 — Action 2  
Att. Mr Joachim Fronia  
BOUR 02/29  
Avenue du Bourget 1  
1040 Bruxelles/Brussel  
BELGIQUE/BELGIË

Only applications submitted by the deadline and in accordance with the requirements specified on the application form will be accepted. Applications submitted by fax or email only will not be accepted.

Where an applicant sends several different applications, each one must be sent in a separate envelope.

### C. Action 3 — PROMOTION OF EUROPEAN HIGHER EDUCATION

This Action aims at promoting European higher education through measures enhancing the attractiveness, profile, image and visibility of, and accessibility to, European higher education in the world and provides support to transnational initiatives, studies, projects, events and other activities related to the international dimension of all aspects of higher education, such as promotion, accessibility, quality assurance, credit recognition, recognition of European qualifications abroad and mutual recognition of qualifications with third countries, curriculum development, mobility, quality of services, etc.

Action 3 activities may take various forms (conferences, seminars, workshops, studies, analyses, pilot projects, prizes, international networks, production of material for publication, development of information, communication and technology tools) and may take place anywhere in the world.



**C.1. Eligible participants and Consortium composition**

The conditions applicable to eligible participants and to the composition of the consortium are specified in the Programme Guide under section 7.2.1.

**C.2. Eligible Activities**

Eligible activities are specified in the Programme Guide under section 7.2.2.

For the purposes of this call for proposals, projects must address one of the following priorities:

- projects dealing with promotion of European higher education in certain geographical areas (priority will be given to areas which so far have been less represented in Erasmus Mundus projects: e.g. Africa and industrialised countries),
- projects that aim to improve services for international students and doctoral candidates,
- projects addressing the international dimension of Quality Assurance,
- projects that aim to strengthen relations between European higher education and research,
- projects promoting European study opportunities for doctoral candidates.

Projects which foresee the following activities will not be financed:

Activities implemented in the context of the internationalisation of ERASMUS Thematic Networks.

**C.3. Award Criteria**

Action 3 applications will be assessed against the following award criteria:

Criteria	Weight
1. Relevance of the project to the Erasmus Mundus programme	20 %
2. The potential and expected impact of the project to help enhancing the attractiveness of European higher education worldwide	20 %
3. Arrangements for dissemination of project results and experiences as well as plans for sustainability and the long term exploitation of results	20 %
4. Partnership composition and cooperation mechanisms	20 %
5. Work plan and budget	20 %
<b>Total</b>	<b>100 %</b>

**C.4. Budget**

This call for proposals aims at selecting around five projects. The total budget earmarked for the co-financing of projects under the present call for proposals is EUR 1 million. Grant amounts will vary considerably according to the size of the projects selected (usually between EUR 100 000 and EUR 350 000). The financial contribution from the Agency cannot exceed 75 % of the total eligible costs.

**C.5. Submission deadline**

The submission deadline for the Erasmus Mundus Action 3 projects to enhance the attractiveness of European higher education is **30 April 2010**.

The grant application shall be sent by registered mail to the following address:

Education, Audiovisual and Culture Executive Agency  
Call for proposals EACEA/29/09 — Action 3  
Att. Mr Joachim Fronia  
BOUR 02/29  
Avenue du Bourget 1  
1040 Bruxelles/Brussel  
BELGIQUE/BELGIË

Only applications submitted by the deadline and in accordance with the requirements specified on the application form will be accepted. Applications submitted by fax or email only will not be accepted.

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## PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

### COMMISSION

#### **Prior notification of a concentration**

**(Case COMP/M.5680 — Faurecia/EMCON Technologies)**

**(Text with EEA relevance)**

(2009/C 294/09)

1. On 24 November 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Faurecia (France) controlled by PSA Peugeot Citroën SA (France) acquires within the meaning of Article 3(1)(b) of the Regulation control of the whole of EMCON Technologies (United States) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Faurecia: automotive equipment engineering and production, in particular vehicle seating, interiors, front ends and exhaust systems (worldwide),
- for EMCON Technologies: global exhaust emission controls (worldwide).

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301 or 22967244) or by post, under reference number COMP/M.5680 — Faurecia/EMCON Technologies, to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.









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