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⁽¹⁾ Text with EEA relevance.

II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case M.8291 — PSA/Aramis)****(Text with EEA relevance)**

(2017/C 2/01)

On 20 December 2016, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 ⁽¹⁾. The full text of the decision is available only in French and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32016M8291. EUR-Lex is the on-line access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Interest rate applied by the European Central Bank to its main refinancing operations ⁽¹⁾:**0,00 % on 1 January 2017****Euro exchange rates ⁽²⁾****4 January 2017**

(2017/C 2/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,0437	CAD Canadian dollar	1,3894
JPY Japanese yen	122,64	HKD Hong Kong dollar	8,0948
DKK Danish krone	7,4343	NZD New Zealand dollar	1,5024
GBP Pound sterling	0,84945	SGD Singapore dollar	1,5047
SEK Swedish krona	9,5238	KRW South Korean won	1 251,90
CHF Swiss franc	1,0707	ZAR South African rand	14,2409
ISK Iceland króna		CNY Chinese yuan renminbi	7,2382
NOK Norwegian krone	8,9905	HRK Croatian kuna	7,5738
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	13 969,26
CZK Czech koruna	27,021	MYR Malaysian ringgit	4,6940
HUF Hungarian forint	308,35	PHP Philippine peso	51,811
PLN Polish zloty	4,3778	RUB Russian rouble	63,4078
RON Romanian leu	4,5086	THB Thai baht	37,375
TRY Turkish lira	3,7387	BRL Brazilian real	3,3784
AUD Australian dollar	1,4373	MXN Mexican peso	22,0709
		INR Indian rupee	71,0390

⁽¹⁾ Rate applied to the most recent operation carried out before the indicated day. In the case of a variable rate tender, the interest rate is the marginal rate.

⁽²⁾ Source: reference exchange rate published by the ECB.

V

(Announcements)

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 16 December 2015

in Case E-5/15

Matja Kumba T M'bye and Others v Stiftelsen Fossumkollektivet

(Directive 2003/88/EC — Working time — Protection of the safety and health of workers — Organisation of working time — Rest periods — Maximum weekly working time — Derogations from minimum rest periods — Workers' consent — Detriment)

(2017/C 2/03)

In Case E-5/15, Matja Kumba T M'bye and Others v Stiftelsen Fossumkollektivet — REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Eidsivating Court of Appeal (*Eidsivating lagmannsrett*) concerning the interpretation of Article 6 and Article 22(1)(a) and (b) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working, the Court, composed of Carl Baudenbacher, President, Per Christiansen and Páll Hreinsson (Judge-Rapporteur), Judges, gave judgment on 16 December 2015, the operative part of which is as follows:

1. A working time amounting to an average of 84 hours per week in a cohabitant care arrangement is compatible with Article 6 of Directive 2003/88/EC, in circumstances governed by Article 22(1)(a), provided that the worker has explicitly, freely and individually agreed to perform such work, and the general principles of the protection of the safety and health of the worker are observed. This entails that where an EEA State makes use of the option provided for in Article 22(1) of the Directive, the national legislature must take due account of the physical and mental well-being of workers. However, such a working time arrangement is only compatible with Articles 3 and 5 of the Directive if the conditions for the application of the derogation in Article 17(2), in conjunction with Article 17(3)(c)(i), are fulfilled.
2. A provision of national law, according to which a worker's consent to work more than 60 hours per week in a cohabitant care arrangement cannot be revoked, is compatible with Articles 6 and 22 of the Directive, provided that the general principles of the protection of the safety and health of workers are observed.
3. A notice of dismissal and offer of re-engagement on new terms, following a refusal by a worker to agree to a working time arrangement of more than 48 hours over a seven-day period, is not to be considered a detriment within the meaning of Article 22(1)(b) of the Directive if the termination of the employment is based upon reasons that are fully independent of the worker's refusal to agree to perform such additional work.

JUDGMENT OF THE COURT**of 16 December 2015****in Case E-13/15****Abuelo Insua Juan Bautista v Liechtensteinische Invalidenversicherung**

(Coordination of social security systems — Article 87(2) of Regulation (EC) No 987/2009 — Binding effect of medical findings of institution of place of stay or residence — Right to challenge those findings — Principle of equal treatment)

(2017/C 2/04)

In Case E-13/15, *Abuelo Insua Juan Bautista v Liechtensteinische Invalidenversicherung* — REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by the Princely Court of Appeal (*Fürstliches Obergericht*) concerning the interpretation of Article 87(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge-Rapporteur) and Páll Hreinsson, Judges, gave judgment on 16 December 2015, the operative part of which is as follows:

Article 87(2) of Regulation (EC) No 987/2009 does not prevent a recipient or claimant of benefits from challenging the findings of an institution of the place of stay or residence made under the said provision in an administrative procedure before a debtor institution.

JUDGMENT OF THE COURT**of 16 December 2015****in Case E-18/15****EFTA Surveillance Authority v Iceland**

(Failure by an EEA/EFTA State to fulfil its obligations — Failure to implement — Directive 2010/65/EU on reporting formalities for ships)

(2017/C 2/05)

APPLICATION for a declaration that Iceland has failed to fulfil its obligations under Article 14 of the Act referred to at point 56l of Chapter V of Annex XIII to the Agreement on the European Economic Area (Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC) as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge-Rapporteur) and Páll Hreinsson, Judges, gave judgment on 16 December 2015, the operative part of which is as follows:

The Court hereby:

1. Declares that Iceland has failed to fulfil its obligations under Article 14 of the Act referred to at point 56l of Chapter V of Annex XIII to the Agreement on the European Economic Area (Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC) as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed.
 2. Orders Iceland to bear the costs of the proceedings.
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PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.8321 — Centerbridge/Alpha Bank/Kaican)

Candidate case for simplified procedure

(Text with EEA relevance)

(2017/C 2/06)

1. On 19 December 2016, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Hellas Acquisition Luxco SÀRL ('Centerbridge', Luxembourg) controlled by Centerbridge Partners, L.P. ('Centerbridge Partners', USA) and Alpha Bank A.E. ('Alpha Bank', Greece) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Kaican Services Limited ('Kaican', UK) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Centerbridge: is managed by affiliates of Centerbridge Partners which is an investment management firm with offices in New York and London focused on private equity and distressed investment opportunities.
 - Alpha Bank: provision of financial products and services, retail, corporate, investment and private banking services, asset management, the distribution of insurance products, brokerage and real estate management in Greece Cyprus, Romania, Serbia, Albania and the UK.
 - Kaican: a coordinator of debt management services, including collection services for both mortgage debt and consumer non-performing loans, management information system services, and recoveries. Kaican's primary activities relate to the coordination of Greek management service providers on behalf of two Irish securitisation vehicles that hold Greek-based non-performing loan portfolios.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in this Notice.
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), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.8321 — Centerbridge/Alpha Bank/Kaican) to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Prior notification of a concentration
(Case M.8340 — Riverstone/AMCI/Fitzroy)
Candidate case for simplified procedure
(Text with EEA relevance)
(2017/C 2/07)

1. On 21 December 2016, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Riverstone Investment Group LLC ('Riverstone', United States) and AMCI worldwide holdings ('AMCI', United States) acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, joint control of Fitzroy QLD Resources Limited ('Fitzroy', United Kingdom) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Riverstone is a private equity firm focused on investments in the energy and power sectors.
- AMCI is a privately held natural resources company, with operations across the value chain of energy and metal commodities with investments in coals and minerals, metals, and shipping.
- Fitzroy is a producer of coking coal for seaborne export worldwide. All of Fitzroy's operations and assets are in Australia. Fitzroy is currently 100 % owned by AMCI.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in this Notice.

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), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.8340 — Riverstone/AMCI/Fitzroy, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

