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⁽¹⁾ Text with EEA relevance.

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN COMMISSION

COMMISSION OPINION

of 14 March 2017

relating to the plan to modify the disposal of radioactive waste arising from the Springfields Fuels Ltd site located in the United Kingdom, in accordance with Article 37 of the Euratom Treaty

(Only the English text is authentic)

(2017/C 81/01)

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation ⁽¹⁾.

On 6 September 2016, the European Commission received from the Government of the United Kingdom, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan to modify the disposal of radioactive waste ⁽²⁾ arising from the Springfields Fuels Ltd Site.

On the basis of these data and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance between the Springfields Fuels Ltd site and the nearest border of another Member State, in this case Ireland is 210 km.
2. The planned modification entails the introduction of a regulatory discharge limit for airborne krypton-85, all other regulatory discharge limits remaining unchanged.
3. During normal operating conditions, the planned modification is not liable to cause an exposure of the population in another Member State that would be significant from the point of view of health, in respect of the dose limits laid down in the Basic Safety Standards Directive ⁽³⁾ as well as in the new Basic Safety Standards Directive ⁽⁴⁾.
4. In the event of unplanned release of radioactive effluents that may follow the accident of the type and magnitude considered in the General Data, the doses likely to be received by the population of another Member State would not be significant from the point of view of health, in respect of the reference levels laid down in the new Basic Safety Standards Directive.

⁽¹⁾ For instance, under the Treaty on the Functioning of the European Union, environmental aspects should be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, as well as to the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and directive 2000/60/EC establishing a framework for Community action in the field of water policy.

⁽²⁾ The disposal of radioactive waste in the meaning of point 1 of Commission Recommendation 2010/635/Euratom of 11 October 2010 on the application of Article 37 of the Euratom Treaty (OJ L 279, 23.10.2010, p. 36).

⁽³⁾ Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (OJ L 159, 29.6.1996, p. 1).

⁽⁴⁾ Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom with effect from 6 February 2018 (OJ L 13, 17.1.2014, p. 1).

In conclusion, the Commission is of the opinion that the implementation of the plan to modify the disposal of radioactive waste from the Springfields Fuels Ltd site located in the United Kingdom, both in normal operation and in the event of an accident of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination, significant from the point of view of health, of the water, soil or air space of another Member State, in respect of the provisions laid down in the Basic Safety Standards Directive as well as in the new Basic Safety Standards Directive.

Done at Brussels, 14 March 2017.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

15 March 2017

(2017/C 81/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0622	CAD	Canadian dollar	1,4291
JPY	Japanese yen	121,77	HKD	Hong Kong dollar	8,2527
DKK	Danish krone	7,4339	NZD	New Zealand dollar	1,5277
GBP	Pound sterling	0,87073	SGD	Singapore dollar	1,5001
SEK	Swedish krona	9,5603	KRW	South Korean won	1 217,28
CHF	Swiss franc	1,0715	ZAR	South African rand	13,8649
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,3438
NOK	Norwegian krone	9,1353	HRK	Croatian kuna	7,4298
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 191,33
CZK	Czech koruna	27,021	MYR	Malaysian ringgit	4,7258
HUF	Hungarian forint	310,83	PHP	Philippine peso	53,390
PLN	Polish zloty	4,3206	RUB	Russian rouble	62,7435
RON	Romanian leu	4,5423	THB	Thai baht	37,453
TRY	Turkish lira	3,9497	BRL	Brazilian real	3,3553
AUD	Australian dollar	1,3992	MXN	Mexican peso	20,8010
			INR	Indian rupee	69,7475

⁽¹⁾ Source: reference exchange rate published by the ECB.

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding closure of fisheries

(2017/C 81/03)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	16.2.2017
Duration	16.2.2017-31.12.2017
Member State	France
Stock or Group of stocks	ANF.8C3411
Species	Anglerfish (<i>Lophiidae</i>)
Zone	VIIIc, IX and X; Union waters of CECAF 34.1.1
Type(s) of fishing vessels	—
Reference number	03.TQ127

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2017/C 81/04)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	27.1.2017
Duration	27.1.2017-31.12.2017
Member State	Belgium
Stock or Group of stocks	RJU/07-D
Species	Undulate ray (<i>Raja undulata</i>)
Zone	Union waters of VIIId
Type(s) of fishing vessels	—
Reference number	02/TQ127

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

State aid — Decision to raise no objections

(2017/C 81/05)

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

Date of adoption of the decision:	28 November 2016
Case No:	79791
Decision No:	210/16/COL
EFTA State:	Norway
Region:	Municipality of Ringerike
Title (and/or name of the beneficiary):	Arba Follum AS
Legal basis:	The Energy Fund scheme approved by the EFTA Surveillance Authority by Decision No 248/11/COL
Type of measure:	Individual aid under the Energy Fund scheme, subject to a detailed assessment
Objective:	Environment and innovation
Form of aid:	Grant
Budget:	NOK 138 000 000
Intensity:	47 %
Duration:	Aid will be distributed in the period 2016-2017
Economic sectors:	Black pellet production
Name and address of the granting authority:	Enova SF Professor Brochs gate 2 N-7030 Trondheim NORWAY

The authentic text of the decision can be found on the EFTA Surveillance Authority's website: <http://www.eftasurv.int/state-aid/state-aid-register/>

State aid — Decision to raise no objections

(2017/C 81/06)

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

Date of adoption of the decision:	1 December 2016
Case No:	79773
Decision No:	216/16/COL
EFTA State:	Norway
Title:	Reduced rate of taxation on electricity directly provided to vessels
Legal basis:	The Parliament's yearly decision on electricity tax, the Act on Excise Duties of 19 May 1933 No 11, the Regulation on Excise Duties and the Act on Tax Payment of 17 June 2005 No 67.
Type of measure:	Scheme
Objective:	Environmental protection
Form of aid:	Tax advantage
Budget:	Approx. NOK 2 million annually (expected to increase gradually)
Duration:	10 years, starting from 1 January 2017
Economic sectors:	Transport
Name and address of the granting authority:	Ministry of Finance P.O. Box 8008 Dep N-0030 Oslo NORWAY

Other information:

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/state-aid/state-aid-register/>

State aid — Decision to raise no objections

(2017/C 81/07)

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

Date of adoption of the decision:	24 June 2015
Case No:	77262
Decision No:	249/15/COL
EFTA State:	Norway
Title (and/or name of the beneficiary):	Evaluation plan for the block exempted Skattefunn aid scheme
Legal basis:	Norwegian Tax Act of 26 March 1999 No 14 section 16-40
Type of measure:	Scheme
Objective:	R&D&I
Form of aid:	Tax advantage
Budget:	Estimated to NOK 2 350 million for 2015
Intensity:	Various
Duration:	Until 31 December 2020
Economic sectors:	All
Name and address of the granting authority:	Ministry of Finance P.O Box 8008 Dep N-0030 Oslo NORWAY
Other information:	See also GBER information sheet 44/2014/R&D&I

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/state-aid/state-aid-register/>

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for applications 2017**Third programme of the Union's action in the field of health (2014-2020)****(Text with EEA relevance)**

(2017/C 81/08)

A call for applications 'Health — 2017' is launched today within the framework of the third Programme of the Union's action in the field of health (2014-2020) ⁽¹⁾

This call for applications consists of the following parts:

- a call for proposals for the award of a financial contribution to specific actions in the form of project grants,
- a call for proposals for the award of a financial contribution to functioning of non-governmental bodies (operating grants)

Deadlines for online submissions of the proposals are 15 June 2017.

All the information, including the Commission Decision of 26 January 2017 on the adoption of the work programme for 2017 for implementation of the third programme of the Union's action in the field of health (2014-2020), and on the selection, award and other criteria for financial contributions to the actions of this programme, are available on the website of the Consumers, Health, Agriculture and Food Executive Agency (Chafea) at the following address:

<http://ec.europa.eu/chafea/>

⁽¹⁾ Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) (OJ L 86, 21.3.2014, p. 1).

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Communication from the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.39816 — Upstream gas supplies in central and eastern Europe

(2017/C 81/09)

1. Introduction

- (1) According to Article 9 of the Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ⁽¹⁾, the Commission may decide — in cases where it intends to adopt a decision requiring that an infringement is brought to an end and the parties concerned offer commitments to meet the concerns expressed to them by the Commission in its preliminary assessment — to make those commitments binding on the undertakings. Such a decision may be adopted for a specified period and shall conclude that there are no longer grounds for action by the Commission. According to Article 27(4) of the same Regulation, the Commission shall publish a concise summary of the case and the main content of the commitments. Interested parties may submit their observations within the time limit fixed by the Commission.

2. Summary of the case

- (2) On 22 April 2015, the Commission adopted a Statement of Objections concerning an alleged infringement of Article 102 of the Treaty on the Functioning of the European Union (‘TFEU’) by OAO Gazprom and OOO Gazprom Export (‘Gazprom’) on the markets for the upstream wholesale supply of natural gas in each of Bulgaria, Estonia, the Czech Republic, Hungary, Latvia, Lithuania, Poland and Slovakia (‘the CEE’). This document is a preliminary assessment within the meaning of Article 9(1) of Regulation (EC) No 1/2003.
- (3) The Commission’s preliminary assessment is that Gazprom is dominant on all eight CEE markets for the upstream wholesale supply of gas. The Commission’s preliminary view is that Gazprom may have abused this dominant position contrary to Article 102 of the TFEU.
- (4) In particular, Gazprom may have implemented an overall abusive strategy by imposing territorial restrictions in its supply agreements in the CEE countries. These restrictions include export bans, destination clauses and equivalent measures that may have prevented the cross-border flow of gas.
- (5) These territorial restrictions may have allowed Gazprom to pursue an unfair pricing policy in five Member States, namely Bulgaria, Estonia, Latvia, Lithuania and Poland, by charging prices to wholesalers that were significantly higher than competitive western European gas prices.
- (6) Gazprom may also have abused its dominant market position on the market for the upstream wholesale supply of natural gas in Bulgaria by making the supply of gas dependent on investment in the South Stream pipeline project.
- (7) The Commission’s preliminary assessment concludes that Gazprom’s practice has the potential to raise barriers to the free flow of gas within the Internal Market, to lower the liquidity and efficiency of gas markets and to result in higher natural gas prices.

3. The main content of the offered commitments

- (8) Gazprom does not agree with the Commission’s preliminary assessment. It has nevertheless offered commitments pursuant to Article 9 of Regulation (EC) No 1/2003, to meet the Commission’s competition concerns. The key elements of the commitments are presented below.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and, respectively, 102 of the TFEU. The two sets of provisions are in substance identical. For the purposes of this notice, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82 of the EC Treaty when applicable.

- (9) Gazprom will commit to introduce a number of changes to its relevant contracts in order to remove the obstacles to the free flow of gas at competitive prices in the CEE:
- (a) Gazprom will not apply and will not introduce any contractual provisions in its CEE gas supply contracts that may, directly or indirectly, prohibit, restrict or make economically less attractive the customers' ability to re-export or re-sell gas. Gazprom will also commit not to introduce any such measures in its future gas contracts in the CEE;
 - (b) Gazprom will ensure the introduction of reasonably required changes to its Bulgarian and Greek contracts, subject to the consent of its contractual counterparties, that are necessary for the conclusion of interconnection agreements between Bulgaria and other EU Member States;
 - (c) Gazprom will offer its relevant CEE customers the possibility to request that all or parts of their contractual gas volumes delivered at certain delivery points in the CEE shall be delivered at another delivery point used by Gazprom for supplies to Bulgaria and the Baltic States. Gazprom will commit to offer this possibility for as long as the customer is unable to arrange itself for the transport of gas from the relevant contractual delivery point to Bulgaria or the Baltic States;
 - (d) Gazprom will offer to either introduce a price revision clause in the contracts with its relevant customers that do not already contain such a clause or amend any existing price review clause. Gazprom will commit to enable its relevant customer to trigger a price revision on the basis of the contractual price not reflecting, amongst others, the development of the border prices in Germany, France and Italy or the development of the gas prices at the liquid gas hubs in continental Europe. The parties will also be able to refer to the same competitive benchmarks when reviewing the contractual price. Gazprom will also commit to increase the frequency and speed of price revisions. For its relevant customers, Gazprom will also commit to introduce the same price review provisions in future contracts;
 - (e) Gazprom will not claim any damages on the basis of the termination of the South Stream project from the Bulgarian counterparts. The termination was confirmed by Gazprom.
- (10) These commitments should meet the Commission's concerns by ensuring the free flow of gas at competitive prices in the CEE. Gazprom will be prevented from partitioning and isolating the CEE gas markets by relying on explicit territorial restrictions or other contractual measures having the effect equivalent to territorial restrictions. The Commission notes that the situation in the CEE has improved in terms of the connecting gas infrastructure and in terms of the CEE customers' ability to trade gas across borders, either through reverse flows or gas swaps. However, the same possibilities are still insufficiently present in the Baltic States and Bulgaria.
- (11) The commitments will compensate for the unavailability of gas flows between, on the one hand, the rest of the CEE and, on the other hand, Bulgaria or the Baltic States. Gazprom will provide CEE customers with a possibility to carry out swap-like operations to enable them to bring more gas liquidity into the Baltic States and Bulgaria. Gazprom will be able to charge a service fee for this, as it could for a typical swap in markets where transportation of gas is available. The possibility of such swap-like operations will be of particular importance in case the gas prices in the Baltic States or Bulgaria were to diverge significantly from the rest of the CEE.
- (12) These commitments should meet the Commission's concerns on prices for the five Member States by allowing customers to trigger a price revision under their contracts in case the contractual price, inter alia, deviates from the prices at generally accepted liquid hubs in Continental Europe. The commitments will also provide explicit substantive guidance on the competitive western European benchmarks to be used for a price review. This will ensure that customers in the five CEE Member States will obtain an explicit contractual right to refer to competitive and liquid hub prices when reviewing their contractual price. The explicit reference to competitive western European benchmarks will also highlight their importance to arbitrators, in case price revision negotiations are followed by arbitration. All of this will ensure that CEE gas prices will not divert significantly from competitive benchmarks in the future.
- (13) In relation to Bulgaria, the commitments will also remove the threat of damages actions, independent of whether such claims would have been valid or not, against the Bulgarian counterparts following the termination of the South Stream project. This will ensure that the alleged abuse that Gazprom has made the supply of gas dependent on investment in the gas infrastructure in Bulgaria is deprived of its effects.
- (14) The commitments are published in full in English on the website of the Directorate-General for Competition at:

http://ec.europa.eu/competition/index_en.html

4. Invitation to make comments

- (15) Subject to market testing, the Commission intends to adopt a decision under Article 9(1) of Regulation (EC) No 1/2003 declaring binding the commitments summarised above and published on the internet, on the website of the Directorate-General for Competition, to be binding.
- (16) In accordance with Article 27(4) of Regulation (EC) No 1/2003, the Commission invites interested third parties to submit their observations on the proposed commitments. These observations must reach the Commission not later than 7 weeks following the date of this publication. Interested third parties are also asked to submit a non-confidential version of their comments, in which any information they claim to be business secrets and other confidential information should be deleted and replaced as required by a non-confidential summary or by the words 'business secrets' or 'confidential'.
- (17) Answers and comments should preferably be reasoned and should set out the relevant facts. If you identify a problem with any part of the proposed commitments, the Commission would also invite you to suggest a possible solution.
- (18) Observations can be sent to the Commission under reference AT.39816 — Upstream gas supplies in central and eastern Europe either by e-mail (COMP-GREFFE-ANTITRUST@ec.europa.eu), by fax (+32 22950128) or by post, to the following address:

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

Prior notification of a concentration
(Case M.8405 — Lear/Grupo Antolín Assets)
Candidate case for simplified procedure
(Text with EEA relevance)
(2017/C 81/10)

1. On 8 March 2017 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Lear Corporation ('Lear' of the USA), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the seats and metal business of Grupo Antolín-Irausa, SA (Spain) ('Grupo Antolín Assets') by way of purchase of shares and single assets.
2. The business activities of the undertakings concerned are:
 - Lear is a first- tier supplier of complete automotive seating systems and components, as well as electrical distribution systems and electronic components,
 - Grupo Antolín Assets consist of 12 industrial facilities and two R & D centres located in the Czech Republic, France, Morocco, Portugal and Spain, active in the manufacturing of automotive seats and seating components.
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 the 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.8405 — Lear/Grupo Antolín Assets, 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.8420 — Megatrends European Holdings/Allianz/Kamppi Shopping Centre)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2017/C 81/11)

1. On 9 March 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Megatrends European Holdings SARL ('Megatrends', Luxembourg) and Allianz SE ('Allianz', Germany) indirectly acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the whole of the undertaking NRF (Finland) AB, which in turn ultimately controls the Kamppi Shopping Centre, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Megatrends is a wholly owned subsidiary of the European Cities Fund ('ECF'), an investment vehicle launched by TH Real Estate ('THRE'). THRE is a real estate management and investment company. It is the subsidiary of Teachers Insurance and Annuity Association of America ('TIAA'), a legal reserve life insurance company within the meaning of the regulations of the State of New York in the United States of America. TIAA's main activity is providing investment products and services to those who work in the academic, research, medical and cultural fields in the USA. TIAA's European activities consist primarily of investments in real estate and agricultural land.
 - Allianz is the ultimate holding company of the Allianz Group. The Allianz Group is a multinational financial service provider which is active worldwide in the insurance and asset management business.
 - The Kamppi Shopping Centre is a subsidiary of Kamppi Center Holdings Oy, which is ultimately controlled by NRF (Finland) AB. The Kamppi Shopping Centre is located in Helsinki (Finland) and has a gross leasable area of 44 704 sq. m. It had 41,5 million visitors in 2016. The property is let to 121 commercial tenants, which operate retail shops, cafés and restaurants.
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 the 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.8420 — Megatrends European Holdings/Allianz/Kamppi Shopping Centre, 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.

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