

Official Journal of the European Union

C 123



English edition

Information and Notices

Volume 60

20 April 2017

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⁽¹⁾ Text with EEA relevance.

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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.8413 — Engie/Omnes Capital/Prédica/Engie PV Besse/Engie PV Sanguinet)****(Text with EEA relevance)**

(2017/C 123/01)

On 10 April 2017, 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 English 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 32017M8413. EUR-Lex is the online access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.8430 — AÜW/Siemens/Egrid)****(Text with EEA relevance)**

(2017/C 123/02)

On 10 April 2017, 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 German language 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 32017M8430. EUR-Lex is the online access to the European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾**19 April 2017**

(2017/C 123/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,0725	CAD Canadian dollar	1,4415
JPY Japanese yen	116,91	HKD Hong Kong dollar	8,3397
DKK Danish krone	7,4387	NZD New Zealand dollar	1,5283
GBP Pound sterling	0,83430	SGD Singapore dollar	1,4987
SEK Swedish krona	9,6195	KRW South Korean won	1 222,42
CHF Swiss franc	1,0690	ZAR South African rand	14,2610
ISK Iceland króna		CNY Chinese yuan renminbi	7,3852
NOK Norwegian krone	9,1528	HRK Croatian kuna	7,4468
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	14 293,20
CZK Czech koruna	26,794	MYR Malaysian ringgit	4,7190
HUF Hungarian forint	313,05	PHP Philippine peso	53,339
PLN Polish zloty	4,2358	RUB Russian rouble	60,2656
RON Romanian leu	4,5341	THB Thai baht	36,883
TRY Turkish lira	3,9292	BRL Brazilian real	3,3368
AUD Australian dollar	1,4255	MXN Mexican peso	20,0190
		INR Indian rupee	69,2430

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

NOTICES FROM MEMBER STATES

Winding-up proceedings**Decision to open winding-up proceedings in respect of ADRIA Way**

(Publication made in accordance with Article 280 of Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II))

(2017/C 123/04)

Insurance undertaking	ADRIA Way Mírové náměstí 519/3d Ostrava-Vítkovice PSČ 703 00, IČ: 25830660 CZECH REPUBLIC
Date, entry into force and nature of the decision	On 25 January 2017, the Czech National Bank ordered that Mrs JUDr. Kateřina Martínková LL.M be appointed as claims adjuster of ADRIA Way. Entry into force: 2 February 2017
Competent authorities	Czech National Bank
Supervisory authority	Czech National Bank
Liquidator appointed	JUDr. Kateřina Martínková LL.M. Sokolská třída 966/22 702 00 Ostrava — Moravská Ostrava CZECH REPUBLIC E-mail: katerina.martinkova@akostrava.cz Tel. +420 596116901
Applicable law	Czech Law

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

State aid — Decisions to close an existing aid case as a result of acceptance of appropriate measures by an EFTA State

(2017/C 123/05)

The EFTA Surveillance Authority has proposed appropriate measures, which were accepted by Iceland, on the following State aid measure:

Date of adoption of the decision: 25 January 2017

Case number: 78027

Decision No: 010/17/COL

EFTA State: Iceland

Title (and/or name of the beneficiary): Decision to close the case concerning the use of publicly owned land and natural resources by electricity producers in Iceland

Legal basis: Various

Type of measure: No State aid

Other information: The Authority considers that the measures undertaken and the commitments given by the Icelandic authorities to amend the scheme regarding the use of public natural resources by electricity producers in Iceland and the review and amendments of existing contracts with electricity producers will ensure the abolishment of the existing system of aid. Therefore, the Authority has decided to close the case.

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 proposals under the multiannual work programme for granting financial aid in the field of the trans-European energy infrastructure under the Connecting Europe Facility for period 2014-2020**(Commission Decision (C(2017) 2109))**

(2017/C 123/06)

The European Commission, Directorate-General for Energy, is hereby launching a call for proposals in order to award grants in accordance with the priorities and objectives defined in the multiannual work programme in the field of the trans-European energy infrastructure under the Connecting Europe Facility for the period 2014-2020.

Proposals are invited for the following call:

CEF-Energy-2017

The indicative amount available for the selected proposals under this call for proposals is EUR 800 million.

The deadline for the submission of proposals is **12 October 2017**.

The complete text of the call for proposals is available on the call webpage:

<https://ec.europa.eu/inea/en/connecting-europe-facility/cef-energy/calls/2017-cef-energy-call-proposals>

EUROPEAN PERSONNEL SELECTION OFFICE (EPSO)

NOTICE OF OPEN COMPETITION

(2017/C 123/07)

The European Personnel Selection Office (EPSO) is organising the following open competition:

EPSO/AST/140/17 — NURSES (AST 3)

The competition notice is published in 24 languages in *Official Journal of the European Union* C 123 A of 20 April 2017.

Further information can be found on the EPSO website: <https://epso.europa.eu/>

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 22 September 2016

in Case E-29/15

Sorpa bs. v The Competition Authority

(Abuse of a dominant position — Notion of undertaking — Cooperative agencies established by municipalities — Waste management — Services of general economic interest — Dissimilar conditions applied to equivalent transactions with other trading parties — Price discrimination)

(2017/C 123/08)

In Case E-29/15, Sorpa bs. v The Competition Authority — 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 Supreme Court of Iceland (*Hæstiréttur Íslands*) concerning the interpretation of the EEA Agreement, and in particular Article 54 thereof, the Court, composed of Carl Baudenbacher, President and Judge Rapporteur, Per Christiansen and Páll Hreinsson, Judges, gave judgment on 22 September 2016, the operative part of which is as follows:

1. A municipality may constitute an undertaking within the meaning of Article 54 EEA when it engages in an economic activity, which consists in the offering of goods or services on the market. In order to determine whether an activity such as waste management is economic, account must be taken of the existence of competition with private entities. In that regard, the fact that the fee received for the provision of waste management services cannot exceed the costs incurred must be balanced against the existence of competition on the market.
2. Waste management may constitute a service of general economic interest within the meaning of Article 59(2) EEA. It is for the referring court to determine whether the application of Article 54 EEA would make it impossible for the municipalities to provide the waste management services they have been entrusted with, or to provide them under economically acceptable conditions.
3. In order to determine whether a public entity constitutes an undertaking within the meaning of the EEA competition rules when it provides waste management services, it is irrelevant whether that entity is a municipality or a cooperative agency entered into by several municipalities.
4. Article 54 EEA does not apply to anti-competitive conduct which is required of undertakings by national legislation, or if national legislation creates a legal framework which itself eliminates any possibility of competitive activity on their part. However, Article 54 EEA may apply if national legislation does not preclude undertakings from engaging in autonomous conduct which prevents, restricts or distorts competition.
5. Should an EEA State, by national legislation, grant public entities a derogation from the application of the EEA competition rules, for instance by granting them special or exclusive rights, it must do so in accordance with the EEA competition rules, in particular with Article 59(1) EEA.
6. The owners of a municipal cooperative may be regarded as the trading parties of that cooperative within the meaning of Article 54(2)(c) EEA, unless they form one undertaking with that cooperative.
7. By granting its owners a discount which it denies to its other customers, a dominant undertaking places those other customers at a competitive disadvantage within the meaning of Article 54(2)(c) EEA, provided that they compete with the dominant undertaking's owners on a market upstream or downstream of the dominated market.

Request for an Advisory Opinion from the EFTA Court by Borgarting lagmannsrett dated 27 September 2016 in the case of Yara International ASA v the Norwegian Government, represented by the Ministry of Finance

(Case E-15/16)

(2017/C 123/09)

A request has been made to the EFTA Court by a letter dated 27 September 2016 from Borgarting lagmannsrett (Borgarting Court of Appeal), which was received at the Court Registry on 4 October 2016, for an Advisory Opinion in the case of Yara International ASA v the Norwegian Government, represented by the Ministry of Finance on the following question:

Is it compatible with Articles 31 and 34 EEA that national rules on intra-group contributions, such as the rules in the Norwegian Taxation Act, under which the contribution reduces the transferor's taxable income and is included in the recipient's taxable income regardless of whether the recipient makes a loss or a profit for tax purposes, lay down the condition that both the transferor and the recipient are liable to taxation in the EEA State in question, or must the EEA rules be interpreted to mean that, on certain conditions, an exception must be granted from the requirement for tax liability in the realm?

**Request for an Advisory Opinion from the EFTA Court by Frostating lagmannsrett dated
24 October 2016 in the case of Fosen-Linjen AS v AtB AS**

(Case E-16/16)

(2017/C 123/10)

A request has been made to the EFTA Court by a letter dated 24 October 2016 from Frostating lagmannsrett (Frostating Court of Appeal), which was received at the Court Registry on 31 October 2016, for an Advisory Opinion in the case of Fosen-Linjen AS v AtB AS on the following questions:

1. Do Article 1(1) and Article 2(1)(c) of Directive 89/665/EEC, or other provisions of that Directive, preclude national rules on awarding damages, where the award of damages due to the contracting authority having set aside EEA law provisions concerning public contracts, is conditional on
 - a) the existence of culpability and a requirement that the contracting authority's conduct must deviate markedly from a justifiable course of action?
 - b) the existence of a material error where culpability on the part of the contracting authority is part of a more comprehensive overall assessment?
 - c) the contracting authority having committed a material, gross and obvious error?
2. Should Article 1(1) and Article 2(1)(c) of Directive 89/665/EEC, or other provisions of that Directive, be interpreted to mean that a breach of an EEA procurement law provision under which the contracting authority is not free to exercise discretion, constitutes in itself a sufficiently qualified breach that may trigger a right to damages on certain conditions?
3. Do Article 1(1) and Article 2(1)(c) of Directive 89/665/EEC, or other provisions of that Directive, preclude national rules on awarding damages, where the award of damages due to the contracting authority having set aside EEA law provisions concerning public contracts is conditional on the supplier that brings the case and claims compensation proving with a clear, that is qualified preponderance of evidence, that [said supplier] should have been awarded the contract had the contracting authority not committed the error?
4. Do Article 1(1) and Article 2(1)(c) of Directive 89/665/EEC, or other provisions of that Directive, preclude national rules whereby the contracting authority can free itself of the claim for damages by invoking that the tender procedure should in any case have been cancelled as a consequence of an error committed by the contracting authority, other than the error invoked by the plaintiff, when that error was not in fact invoked during the tender procedure? If such other error can be invoked by the contracting authority, does Directive 89/665/EEC preclude a national rule whereby the supplier that brings the action has the burden of proof for the non-existence of such an error?
5. What requirements does the EEA law principle of equal treatment place on the contracting authority's effective verification of the information provided in the tenders linked to the award criteria? Will the requirement for effective verification be met if the contracting authority is able to verify that the properties offered in the tender appear to have been reliably determined on the basis of the documentation provided in the tender? How accurately must the contracting authority be able to verify the properties of the contract object offered in the tender? If the tenderer commits himself to a certain consumption figure for the tendered object, and this figure is incorporated in the tender evaluation, is the contracting authority's verification obligation met if he is able to verify that this figure is reliable with a certain uncertainty margin, for example in the order of plus/minus 20 per cent?

When the contracting authority is to verify the information provided by a tenderer in connection with an award criterion, can the requirement for effective verification of the tenders under the principle of equal treatment be met by the contracting authority having regard to documentation provided elsewhere in the tender?

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Notice to economic operators — New round of requests for the suspension of the autonomous Common Customs Tariff duties on certain industrial and agricultural products

(2017/C 123/11)

Economic operators are informed that the Commission has received requests in accordance with the administrative arrangements foreseen in the Commission communication concerning autonomous tariff suspensions and quotas (2011/C 363/02) ⁽¹⁾ for the January round of 2018.

The list of the products for which a duty suspension is requested is now available on the Commission's thematic (Europa) website on the customs union ⁽²⁾.

Economic operators are also informed that the deadline for objections against new requests to reach the Commission, via the national administrations, is 16 June 2017 which is the date of the second scheduled meeting of the Economic Tariff Questions Group.

Interested operators are advised to consult the list regularly in order to be informed on the status of the requests.

More information on the autonomous tariff suspension procedure can be found on the Europa website:

http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/suspensions/index_en.htm

⁽¹⁾ OJ C 363, 13.12.2011, p. 6.

⁽²⁾ http://ec.europa.eu/taxation_customs/dds2/susp/susp_home.jsp?Lang=en

Prior notification of a concentration**(Case M.8431 — OMERS/AIMCo/Vue/Dalian Wanda Group/UCI Italia/JV)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2017/C 123/12)

1. On 7 April 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 The Space Cinema 1 SpA ('TSC', Italy), indirectly controlled by Vue International Holdco Limited ('Vue', United Kingdom), jointly controlled by Alberta Investment Management Corporations ('AIMCo', Canada) and OCP Investment Corporation ('OMERS', Canada), and UCI Italia SpA ('UCI Italia', Italy), controlled by the Dalian Wanda Group (China) via AMC Entertainment Holdings, Inc. ('AMC', United States) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created joint venture ('JV') by way of a purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:
 - for TSC: cinema exhibition services in Italy where it operates 36 cinemas,
 - for Vue: cinema exhibition services in the United Kingdom, Italy, Germany, the Netherlands, Poland, Denmark, Ireland, Latvia, Lithuania and Taiwan. Vue currently operates a total of 211 cinemas,
 - for AIMCo: investment management, investing globally on behalf of its clients, various pension, endowment and government funds in the Province of Alberta (Canada),
 - for OMERS: administration of one of Canada's leading pension funds, providing retirement benefits, management of a diversified global portfolio of stocks and bonds as well as real estate, infrastructure and private equity investments,
 - for UCI Italia: cinema exhibition services in Italy where it operates 48 cinemas,
 - for AMC: cinema exhibition services in the United States and parts of Europe,
 - for the Dalian Wanda Group: three principal business activities — investment and operations of commercial properties, culture and finance. It also provides cinema exhibition services in Australia and in China, and film production and distribution services in China,
 - for the JV: cinema advertising services in Italy;
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.8431 — OMERS/AIMCo/Vue/Dalian Wanda Group/UCI Italia/JV, 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.8388 — Ares/Baupost/Nova Eventis)
Candidate case for simplified procedure
(Text with EEA relevance)
(2017/C 123/13)

1. On 7 April 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 Galaxy Holding Sàrl, part of the Ares Management L.P. Group ('Ares', United States) and BPI 25 Sàrl, part of the Baupost Group L.L.C ('Baupost', United States) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over Prejan Enterprises Limited, the company holding and operating the Nova Eventis shopping mall in Leipzig, Germany, by way of purchase of assets.

2. The business activities of the undertakings concerned are:

- for Ares: a publicly traded global alternative asset manager investing, inter alia, in real estate and holding residential, retail, office and industrial properties in Europe,
- for Baupost: the Baupost group is an opportunistic, value-oriented, open mandate investment organization with a broad investment mandate that contemplates investing in a range of financial instruments, asset classes and geographic regions,
- for Nova Eventis: shopping mall complex in Leipzig, Germany.

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.

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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.

