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(’) Text with EEA relevance.
I

(Resolutions, recommendations and opinions)

RESOLUTIONS

COUNCIL

Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport (1 January 2021-30 June 2024)

(2020/C 419/01)

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL,

1. RECALLING Article 6 of the Treaty on the Functioning of the European Union, according to which sport is an area where action at EU level should support, coordinate and supplement the actions of Member States.

2. RECALLING that the Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function (1).

3. RECALLING that the Union action shall be aimed at developing the European dimension of sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen (2).

4. RECOGNISING that sport could contribute to achieve the overall political priorities of the EU, and in particular the goals of various other policy areas such as education, health, youth, social affairs, inclusion, equality, gender equality, urban and rural development, transportation, environment, tourism, employment, innovation, sustainability, digitalisation and economy; and that those policy areas could support the promotion of sport based on cross-sectoral cooperation.

5. UNDERSCORING that, in accordance with the United Nations 2030 Agenda for Sustainable Development, sport is also an important enabler of sustainable development (3) and therefore can help to achieve the Sustainable Development Goals (SDGs).


7. WELCOMING the outcomes of the implementation of the EU Work Plan for Sport 2017-2020, as well as the Commission Report on its implementation and relevance (7).

(1) See Article 165 (1) second sub-paragraph on the Treaty on the Functioning of the European Union (TFEU).
(2) See Article 165 (2) TFEU.
(7) Doc. 9469/20 + ADD 1.
8. ACKNOWLEDGING the need for appropriate cooperation with the sport movement and other relevant stakeholders and with competent international governmental and non-governmental organisations, including the Council of Europe, the World Health Organisation (WHO), the United Nations Office on Drugs and Crime (UNODC), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the World Anti-Doping Agency (WADA).

ESTABLISH A EUROPEAN UNION WORK PLAN FOR SPORT FOR THE PERIOD FROM 1 JANUARY 2021 TO 30 JUNE 2024:

9. The GUIDING OBJECTIVES of this European Union Work Plan for Sport (hereinafter, the EU Work Plan) are to:
   — Strengthen an integrity- and values-based sport in the EU.
   — Strengthen the recovery and the crisis resilience of the sport sector during and in the aftermath of the COVID-19 pandemic.
   — Support a sustainable and evidence-based sports policy.
   — Increase participation in sport and health-enhancing physical activity in order to promote an active and environment-friendly lifestyle, social cohesion and active citizenship.
   — Ensure, through cross-sectoral cooperation, the awareness of other EU policy domains of the important contribution that sport can make to Europe’s socially and environmentally sustainable growth, digitalisation as well as recovery from the COVID-19 pandemic and future resilience, as well as to achieve the SDGs.
   — Strengthen the international dimension of EU sport policy, especially through exchanges and collaboration with governments and stakeholders outside the EU.
   — Provide a follow-up to the previous three EU Work Plans for Sport and to other sport-related EU documents, such as Council conclusions and resolutions.
   — Continue the exchange of knowledge and experience between the EU Member States and the Commission.
   — Intensify the dialogue and cooperation at EU level with the sport movement and other relevant stakeholders and institutions, both within and outside the field of sport and physical activity.
   — Support as appropriate the implementation of the Sport Chapter of the Erasmus+ Programme.

10. The EU Work Plan deals with the following priority areas:
   — Protect integrity and values in sport;
   — Socio-economic and environmental dimensions of sport;
   — Promotion of participation in sport and health-enhancing physical activity.

The concrete key topics, themes, goals, working formats, possible outcomes, target dates and responsibilities are set out and explained in Annexes I and II to this document.

11. This EU Work Plan is a flexible instrument. Subsequent changes or amendments may become necessary to respond in a timely manner to upcoming or unexpected developments and pressing issues in the field of sport and physical activity, while taking into account the priorities of the future presidencies of the Council.

INVITE THE MEMBER STATES TO:

12. Engage in the implementation of this EU Work Plan and where appropriate contribute with their expertise and experience to the various working formats.

13. Consider taking into account the knowledge and outcomes achieved in the implementation of this EU Work Plan when developing sport or other relevant policies at national and sub-national level, while respecting the principle of subsidiarity and the autonomy of sport.

14. Inform, and where appropriate consult, the national sport movement and other relevant stakeholders on the implementation of this EU Work Plan and disseminate the knowledge and outcomes, in order to facilitate the practical relevance and visibility of the activities.
INVITE THE PRESIDENCIES OF THE COUNCIL TO:

15. Take into account this EU Work Plan when developing their programme and build upon the outcomes already achieved.

16. Consider organising meetings at working level with relevant representatives of the sport movement and other sport stakeholders inter alia to exchange information on the implementation of this EU Work Plan, to explore mutual ambitions and to provide information about the planned priorities of the incoming Council presidencies (\(^8\)).

17. At the end of the term covered by the present resolution, and on the basis of a report to be prepared by the Commission, propose a new draft EU Work Plan for the next period, if appropriate.

INVITE THE COMMISSION TO:

18. Engage, together with the Member States, the sport movement and other relevant stakeholders, in implementing this EU Work Plan and support the Member States with its expertise and experience from all relevant policy sectors, in accordance with Annexes I and II to this Resolution.

19. Contribute to evidence based policies in the EU and its Member states in particular through studies and surveys.

20. Continue informing the Member States, the sport movement and other relevant stakeholders about ongoing and planned initiatives and funding opportunities in the area of sport as well as in other EU policy areas relevant to sport and, where appropriate, consult member states in advance, through the relevant Council preparatory bodies and channels (\(^9\)), on implementing specific EU Work Plan initiatives.

21. Promote the mainstreaming of sport and physical activity in other EU policy areas.

22. Disseminate the knowledge and the outcomes achieved in the implementation of this EU Work Plan in order to ensure the practical relevance and visibility of the activities.

23. Consider providing an online platform to store and exchange reports, best practices or relevant documents to facilitate information sharing between Member States.

24. Submit, during the second half of 2023 and on the basis of voluntary contributions from Member States, a report on the implementation and relevance of this EU Work Plan. This report will be the basis for the preparation of a possible successor EU Work Plan during the first half of 2024.

INVITE THE SPORT MOVEMENT AND OTHER RELEVANT STAKEHOLDERS TO:

25. Engage with the Member States and the Commission in the implementation of this EU Work Plan, and contribute with their expertise and experience to the various working formats.

26. Consider disseminating the knowledge and outcomes achieved in the implementation of this EU Work Plan, and taking them into account in their own activities.

\(^8\) This meeting could for example take place in the margins of the annual EU Sport Forum. On the EU side, participants in this meeting could be the representatives of the current Trio Presidency, the incoming Trio Presidency and the Commission.

\(^9\) In particular, the Council Working Party on Sport.
## Priority area: Protect integrity and values in sport

<table>
<thead>
<tr>
<th>Key topic</th>
<th>Theme</th>
<th>Goal</th>
<th>Working format</th>
<th>(poss.) Output / target date</th>
<th>Leader(s)</th>
</tr>
</thead>
</table>
| Safe Environment in Sport (†) | Prevention of harassment, abuse and violence, including sexual violence and any form of discrimination | — Awareness raising  
— Best-practice exchange  
— Knowledge-building  
— Follow-up to the Recommendations of the Expert Group on Good Governance on the protection of young athletes and safeguarding children’s rights in sport (2016) (†) and Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on safeguarding children in sport (2019) (†) | Council and preparatory bodies | (poss.) Council Conclusions or policy debate  
Second half 2023 | ES Presidency |
| Anti-Doping (†) | Ensuring coordination and information sharing, in particular in the context of WADA and CAHAMA meetings | — Preparation of the EU and its Member States’ positions for the Ad Hoc European Committee for the World Anti-Doping Agency (CAHAMA) and World Anti-Doping Agency (WADA) meetings in accordance with the Resolution of the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of Member States’ positions prior to WADA meetings (†) (or any subsequent document relating thereto)  
— Best-practice exchange  
— Knowledge-building | Council and its preparatory bodies (supported as necessary by experts) | (poss.) EU coordination and position (2021 - 2024) | Presidencies, Commission |
| Sport and Education | Sport as a framework for personal, social and learning skills and promoting tolerance, solidarity, inclusiveness as well as other sport values and EU values (†) | — Awareness raising  
— Best-practice exchange  
— Knowledge-building  
— Follow-up to the Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on promoting the common values of the EU through sport (†) | Group of interested Member States (Peer-learning activity)  
Conference on the place and impact of sport in Children’s life  
DGs Meeting (with special focus on professional athletes and sport movements as role models) | Conference  
2021 - 2022  
First half 2022  
Second half 2022 | DE  
FR Presidency  
CZ Presidency |
<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
<th>Activities</th>
<th>Responsible Bodies</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athlete's dual careers</td>
<td></td>
<td>Awareness rising, Best-practice exchange, Follow-up to the Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on dual careers for athletes (*)</td>
<td>Council and preparatory bodies</td>
<td>Policy Debate (Second half 2021)</td>
</tr>
<tr>
<td>Gender equality</td>
<td>Increasing the share of women, especially among coaches and leadership positions in sports organisations and sports clubs, Equal conditions (including payment) of female and male athletes, coaches, officials, staff, etc., Increasing the media coverage of women's sport competitions, fight against stereotypes etc.</td>
<td>Best-practice exchange, Knowledge-building, Follow-up to the Council Conclusions of 21 May 2014 on Gender Equality in Sport (<em>) and to the Recommendations of the Expert Group on Good Governance on Gender Equality in sport (2016) (</em>)</td>
<td>Conference, Council and preparatory bodies</td>
<td>2022 - 2023</td>
</tr>
<tr>
<td>Sport Diplomacy</td>
<td>Sport Diplomacy in the context of EU external relations</td>
<td>Best-practice exchange, Knowledge-building, Follow-up to the Council conclusions on sport diplomacy (*)</td>
<td>Conference, Group of interested Member States</td>
<td>First half 2021, First half 2023</td>
</tr>
<tr>
<td>European Model of Sport</td>
<td>Impact of closed sport competitions on the system of organised sport, taking into account the specificity of sport, Possible challenges faced by European sport organisations and federations (working title)</td>
<td>Knowledge building, Analysis of the factual and legal situation, Awareness rising</td>
<td>Council and preparatory bodies, (poss.) Study</td>
<td>(poss.) Council Conclusions (Second half 2021), 2022</td>
</tr>
</tbody>
</table>

(*) Council and preparatory bodies
(2) Council and preparatory bodies
(3) Council Conclusions (Second half 2023)

Commission
SI Presidency
ES Presidency
PT Presidency
HR
| Athletes' rights                                | ― Awareness raising  
|                                                | ― Knowledge-building  
|                                                | ― Analysis of the factual and legal situation  | Seminar  
|                                                |                                                | (poss.) Study  | 2023 | Commission  
| Good Governance development and promotion within sport | ― Best-practice exchange  
|                                                | ― Benchmarking  | Conference  | 2022 - 2023 | BG  
| Fight against the manipulation of sports competitions | ― Examine ways, together with the Commission, to  
| Council of Europe Convention on the Manipulation of Sports Competitions ('Macolin Convention') | solve the deadlock with regard to the Convention  
|                                                | in view of enabling the EU and all its Member States  
|                                                | to complete their respective ratification processes  
|                                                | and accede to the Convention  
|                                                | ― Follow-up to Conclusions of the Council and of the  
|                                                | representatives of the governments of the Member  
|                                                | States meeting within the Council on combating  
|                                                | corruption in sport (1)  | Council and preparatory bodies  | 2021 - 2022 | Presidencies  

(1) Article 165 (2) TFEU: ‘Union action shall be aimed at (…) developing the European dimension in sport, (…) by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.’
(2) https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=25000&no=1
(4) Article 165 (2) TFEU: Union action shall be aimed at (…) developing the European dimension in sport, by promoting fairness and openness in sporting competitions (…).
(6) Article 165 (1) TFEU: ‘The Union shall contribute to the promotion of European sporting issues, while taking account (…) its social and educational function.’
(12) OJ C 416, 11.12.2019, p. 3 (see paragraph 26).
<table>
<thead>
<tr>
<th>Key topic</th>
<th>Theme</th>
<th>Goal</th>
<th>Working format</th>
<th>(poss.) Output / target date</th>
<th>Leader(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Innovation and digitalisation</td>
<td>Sport innovation in every dimension and on all levels of the sport sector (including the local sports clubs)</td>
<td>— Best-practice exchange — Knowledge-building — Follow-up to the Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on sport as a driver of innovation and economic growth (1)</td>
<td>Council and preparatory bodies</td>
<td>(poss.) Council conclusions on sport innovation (First half 2021)</td>
<td>PT Presidency</td>
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<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Follow-up to the Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on sport as a driver of innovation and economic growth (1)</td>
<td>Seminar</td>
<td>First half 2021</td>
<td>PT Presidency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Follow-up to the Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on sport as a driver of innovation and economic growth (1)</td>
<td>Group of interested Member States</td>
<td>First half 2021</td>
<td>BG</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Follow-up to the Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on sport as a driver of innovation and economic growth (1)</td>
<td>Group of interested Member States (focused in particular on the use of digital tools in coach education (2))</td>
<td>2021 - 2022</td>
<td>DE HR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Follow-up to the Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on sport as a driver of innovation and economic growth (1)</td>
<td>Seminar</td>
<td>Second half 2023</td>
<td>BE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Awareness rising — Elaboration of a proposal for common framework with shared commitments, taking into account the European climate pact</td>
<td>Group of interested Member States</td>
<td>2021 - First half 2022</td>
<td>FR Presidency NL</td>
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<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Awareness rising — Elaboration of a proposal for common framework with shared commitments, taking into account the European climate pact</td>
<td>Council and preparatory bodies</td>
<td>(poss.) Council Resolution on a Green pact for sport, possibly accompanied by a multi-stakeholder declaration (First half 2022)</td>
<td>FR Presidency</td>
</tr>
<tr>
<td>Sport facilities</td>
<td>Sustainable planning, construction and maintenance</td>
<td>— Best-practice exchange — Knowledge-building — Awareness rising — Elaboration of a proposal for common framework with shared commitments, taking into account the European climate pact</td>
<td>Group of interested Member States (Peer-Learning-Activity)</td>
<td>2021</td>
<td>DE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Awareness rising — Elaboration of a proposal for common framework with shared commitments, taking into account the European climate pact</td>
<td>Conference</td>
<td>Second half 2022</td>
<td>CZ Presidency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>— Best-practice exchange — Knowledge-building — Awareness rising — Elaboration of a proposal for common framework with shared commitments, taking into account the European climate pact</td>
<td>Council and preparatory bodies</td>
<td>(poss.) Council conclusions on sustainable and accessible sport infrastructure (Second half 2022)</td>
<td>CZ Presidency</td>
</tr>
</tbody>
</table>
| **Major sporting events** | — Future of Europe as hosting place for Major sporting events  
— Co-hosting of Major sporting events by several countries  
— Sustainable planning and realisation  
— Positive legacies for host cities or regions (including youth engagement) | — Best-practice exchange  
— Follow-up to Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on enhancing integrity, transparency and good governance in major sport events (*) and to Recommendations of the Expert Group on the Economic Dimension of Sport on major sport events, in particular on legacy aspects with a focus on social, economic and environmental sustainability (2016) (†)  
Follow-up to the declaration signed during the informal ministerial meeting on 31 May 2018 in Paris (*) | Group of interested Member States or Conference  
DGs Meeting | Second half 2021  
First half 2022 | FI  
FR Presidency |
| **EU sport perspective on the 2024 Olympic and Paralympic Games** | — Contribution of sport to regional development  
— Possibilities for the use of EU funding programmes (Recovery and Resilience Facility (RRF), React-EU, the Structural Funds and other EU funding programs) | — Analysis of the situation  
— Best-practice exchange  
— Knowledge-building  
— Follow-up to the Conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on the economic dimension of sport and its socioeconomic benefits (*) | Group of interested Member States  
Cluster Meeting | 2021  
2022 | IT  
Commission |
| **Investments in sport and physical activity** | — Contribution of sport to regional development  
— Possibilities for the use of EU funding programmes (Recovery and Resilience Facility (RRF), React-EU, the Structural Funds and other EU funding programs) | — Analysis of the situation  
— Best-practice exchange  
— Knowledge-building  
— Follow-up to the Conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on the economic dimension of sport and its socioeconomic benefits (*) | Group of interested Member States  
Cluster Meeting | 2021  
2022 | IT  
Commission |
<table>
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<tr>
<th>Strengthening the recovery and the crisis resilience of the sport sector during and in the aftermath of the COVID-19 pandemic</th>
<th>Conference Expert Group</th>
<th>2021 - 2023</th>
<th>ES Commission</th>
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<tbody>
<tr>
<td>Follow-up to the Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the impact of the COVID-19 pandemic and the recovery of the sport sector (1)</td>
<td>Analysis of situation</td>
<td>2021</td>
<td></td>
</tr>
<tr>
<td>— Medium and long-term impact of the pandemic on professional, high-performance and grassroots sports</td>
<td>Best-practice exchange</td>
<td>2021 - 2023</td>
<td></td>
</tr>
<tr>
<td>— Possible need for structural modifications in the sport system</td>
<td>Strategy development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>— Role of public authorities</td>
<td>Follow-up to the Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the impact of the COVID-19 pandemic and the recovery of the sport sector (1)</td>
<td>Funding opportunities</td>
<td></td>
</tr>
</tbody>
</table>

(2) Follow-up to the Conclusions of the Council and of the representatives of the Governments of the Member States, meeting within the Council, on the role of coaches in society (OJ C 423, 9.12.2017, p. 6) and Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on empowering coaches by enhancing opportunities to acquire skills and competences (OJ C 196, 11.6.2020, p. 1).
(4) https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=23271&no=1
(8) See footnote 28.
## Priority area: Promotion of participation in sport and health-enhancing physical activity

<table>
<thead>
<tr>
<th>Key topic</th>
<th>Theme</th>
<th>Goal</th>
<th>Working format</th>
<th>Output / target date</th>
<th>Leader(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation of adequate opportunities for sport and physical activity for all generations</td>
<td>Strategic development of sport and physical activity at local level</td>
<td>— Best-practice exchange&lt;br&gt;— Knowledge-building&lt;br&gt;— Follow-up to the Council conclusions on the promotion of motor skills, physical and sport activities for children (2015) (1).</td>
<td>Group of interested Member States Conference Council and preparatory bodies</td>
<td>2021 - 2022</td>
<td>DE&lt;br&gt;FR Presidency (poss.) Council Conclusions (First half 2022)</td>
</tr>
<tr>
<td>Promoting Physical Activity</td>
<td>Monitoring of lifelong physical activity&lt;br&gt;Cross-sectoral cooperation with relevant institutions (inter alia with schools)&lt;br&gt;Role of the media</td>
<td>— Awareness rising&lt;br&gt;— Knowledge building&lt;br&gt;— Best-practice exchange</td>
<td>Conference Council and preparatory bodies</td>
<td>Second half 2021 (poss.) Council conclusions (Second half of 2021)</td>
<td>SI Presidency&lt;br&gt;SI Presidency</td>
</tr>
</tbody>
</table>

(1) OJ C 417, 15.12.2015, p. 46.
ANNEX II

Principles related to the working formats and reporting

1. The EU Work Plan for Sport will be implemented in particular through expert groups, groups of interested Member States (i.e. for Peer-learning activities), cluster meetings, Council conclusions, conferences and studies.

2. Expert groups are designed for broader participation from the Member States, with the involvement of the sport movement and other relevant stakeholders on EU level. Participation is open to all Member States at any time. Member States might consider (also) appointing, in appropriate cases, representatives of their national sports movement to an expert group.

   Expert groups are chaired by the Commission in accordance with the provisions of decision C(2016) 3301 (1). When selecting representatives from the sports movement and other stakeholders in sport, the Commission is asked to take into account not least the relevance of the institution concerned and the topic-related expertise of specifically appointed representatives.

3. Groups of interested Member States will be organised by one or several Member States, inter alia, in order to exchange information on specific topics and issues in greater detail. Participation in groups of interested Member States is open to all Member States. Representatives of the sports movement or other relevant stakeholders might also be involved. Member States are also free to form groups of interested Member States on topics that are not listed in Annex I.

   Groups of interested Member States may, if they deem it necessary, define their own working procedures and structures, in the light of their specific needs and outcomes. The Commission shall be associated with the work of these groups and, if the budgetary conditions are met, the Commission may provide financial support for the work of the groups of interested Member States (as a peer learning activity).

4. Cluster meetings are organised by the Commission on a specific theme to present the work and results of relevant projects funded through the Erasmus+ Sport Chapter or other EU funding programmes.

5. The participation of Member States in the implementation of the Work Plan is voluntary.

6. Meetings of expert groups, groups of interested Member States, conferences and cluster meetings may also take place in virtual form in appropriate cases.

7. The Commission will report to the Working Party on Sport on the progress of work in the expert groups and on conferences/cluster meetings/studies, and will present the respective outputs. The Council presidencies will do the same with regard to the events they organise. Groups of interested Member States may nominate representatives to do likewise.

8. The agendas and reports of all groups will be available to all Member States, irrespective of their degree of participation in a given area. The outputs of the groups will be published and disseminated at EU and national level through the appropriate channels.

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration
(Case M.10013 — Vestas/MHI Vestas JV)

(Text with EEA relevance)

(2020/C 419/02)

On 27 November 2020, 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,


Non-opposition to a notified concentration
(Case M.9675 — Apollo Capital Management/Lopesan Group/IFA Faro Hotel/IFA Buenaventura Hotel)

(Text with EEA relevance)

(2020/C 419/03)

On 8 April 2020, 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,


Non-opposition to a notified concentration  
(Case M.9725 — Ardian/Groupe Cérélia)  

(Text with EEA relevance)  
(2020/C 419/04)

On 26 February 2020, 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.


Non-opposition to a notified concentration

(Case M.9675 — Apollo Capital Management/Lopesan Group/IFA Faro Hotel/IFA Buenaventura Hotel)

(Text with EEA relevance)

(2020/C 419/05)

On 8 April 2020, 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,


Non-opposition to a notified concentration
(Case M.9684 — Parks Bottom/Omers/Accor/Fairmont Hotels)

(Text with EEA relevance)

(2020/C 419/06)

On 11 March 2020, 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,


Non-opposition to a notified concentration
(Case M.9769 — VW Group/Munich RE Group/JV)

(Text with EEA relevance)

(2020/C 419/07)

On 15 April 2020, 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,


IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on promoting cross-sectoral cooperation for the benefit of sport and physical activity in society

(2020/C 419/08)

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

RECALLING THAT:

1. The Council Recommendation of 26 November 2013 on promoting health-enhancing physical activity across sectors (1) recommends, inter alia, that Member States work towards effective HEPA (2) policies by developing a cross-sectoral approach involving policy areas including sport, health, education, environment and transport, as well as other relevant sectors and in accordance with national specificities (3).

2. The Council Conclusions of 15 December 2015 on promotion of motor skills, physical and sport activities for children call on Member States to consider implementing cross-sectoral policies, with the education, youth and health sectors among others, to promote physical activities and motor skills in early childhood (4).

3. The Council Conclusions of 9 December 2017 on the role of coaches in society stress the need to add international and cross-sectoral dimensions to coaching education by integrating good examples and useful working methods from youth work such as non-formal and informal learning, work with people with special needs and entrepreneurship (5).

4. The Council Conclusions of 13 December 2018 on the economic dimension of sport and its socioeconomic benefits invite Member States to support and disseminate the idea of extending the representation of the economic dimension of sport by including socioeconomic aspects, especially volunteering, health economic aspects and innovation, on the European and national level and by enhancing cross-sectoral cooperation (6).

5. The Council Conclusions of 11 June 2020 on empowering coaches by enhancing opportunities to acquire skills and competences invite the sport movement to enhance, in collaboration with relevant institutions at the EU, national, regional or local level, cross-sectoral cooperation in order to apply new insights and methods in everyday work, and involve the research and innovation sector in developing education and training programmes for coaches (7).

(1) All references mentioned in this document are listed in the Annex.
(2) Health-enhancing physical activity.
(3) See recommendation 1.
(4) See paragraph 13.
(5) See paragraph 14(h).
(6) See paragraph 23.
(7) See paragraph 40.
6. The Council Conclusions of 29 June 2020 on the impact of the COVID-19 pandemic and the recovery of the sport sector call on Member States to promote cross-sectoral cooperation and consultations in areas that are relevant to sport at all levels, including with the sport movement, the sport-related business sector and other relevant stakeholders, in order to effectively address the challenges that the sport sector is facing due to the COVID-19 pandemic and strengthen the position of sport in society (8).

7. The European Union Work Plan for Sport 2017-2020 recognises that sport plays a positive role in the cross-sectoral cooperation at EU level and thereby helps to ensure sustainable development and to adequately tackle the overarching socioeconomic and security-related challenges the EU faces (9).

8. The Council of Europe's European Sports Charter underlines the importance of coordination between different policy areas to ensure that sport is an integral part of socio-cultural development (10).

9. The United Nations 2030 Agenda for Sustainable Development enshrines the role of sport as an important enabler for sustainable development, and its growing contribution to, inter alia, health, education and social inclusion objectives (11).

ACKNOWLEDGING THAT:

10. Sport and physical activity promote, when practised responsibly and adjusted to each one’s characteristics, the health and well-being of people of all generations, while at the same time help to reduce the burden on the health system (12).

11. Practising sport in the community, especially in sport clubs, can strengthen social cohesion and social participation and thus promote integration and inclusion.

12. Voluntary work in the field of sport provides the opportunity to acquire additional skills and make an active contribution to the development of local communities.

13. In the field of transportation, physical activity in the form of walking and cycling is an important part of environmental and climate protection.

TAKING INTO ACCOUNT THAT:

14. According to recent statistical surveys, the proportion of people taking part in sport or physical activity is showing a tendency to stagnate or even decline in several Member States (13).

15. In addition, sports organisations seem to have increasing difficulties in attracting people for voluntary work, especially for long-term voluntary engagements, in sports clubs.

16. The COVID-19 pandemic, and the subsequent measures and restrictions put in place to prevent the spread of the virus, have to a large extent affected the practise of sports and physical activity, especially as regards collective and organised sport in sport centres.

HIGHLIGHTING THAT:

17. Sport and physical activity are more than a leisure activity for the individual. Due to their positive impacts (14), there is a public interest in promoting sport and physical activity among all citizens.

18. Local conditions have a considerable influence on the individual’s decision to pursue an active and healthy lifestyle, as well as to engage in voluntary work in sports. Affordable and easy access to sports, as well as to sports facilities and public spaces that encourage physical activity in a safe environment, are particularly important. The same applies to a sustainable transport infrastructure and urban planning that is adapted to the needs and safety conditions of pedestrians and cyclists.

19. Such local conditions enhance the overall quality of life in a municipality or region, and thus also its competitiveness and attractiveness. The positive effects therefore go beyond the field of sports and physical activity.

(*) See paragraph 25.
(†) See paragraph 5.
(‡) See Article 13(1).
(§) See in particular paragraph 37.
(¶¶) See for example paragraphs 10–13.
20. Sport and physical activity have numerous links with other policy sectors such as education, health, youth, social affairs, infrastructure, public space (i.e. parks), urban and rural development, transportation, environment, research, innovation, digitalisation, culture, economy, employment, tourism and international cooperation, including their respective funding instruments.

21. Cross-sectoral cooperation can play an important role to create or optimise the conditions for an active and healthy lifestyle, and therefore to activate the positive social potential of sport and physical activity, as well as to stimulate innovation and the economic dimension of sport. Coordinated actions at multiple levels can be more effective than single interventions.

22. With the involvement of the sport sector, cross-sectoral cooperation can expand the positive impact that sport and physical activity may have on other policy sectors (\(^n\)).

23. While pursuing their own goals, the different actors of the sport sector (\(^m\)) can make an important contribution to the success of cross-sectoral cooperation and to achieving overall political goals at the respective levels (\(^o\)).

24. The long-term success of such cross-sectoral cooperation depends not least on the promotion and support of the political and administrative decision-makers, and therefore ultimately on the mutual benefit for all stakeholders involved and their sectoral policy objectives.

INVITE THE MEMBER STATES, AT THE APPROPRIATE LEVELS AND WHILST TAKING INTO ACCOUNT THE PRINCIPLE OF SUBSIDIARITY, TO:

25. Develop and monitor, where appropriate, together with the relevant stakeholders, mutual strategies with a clear division of responsibilities to increase citizens' participation in sport and physical activity in the short, mid and long term, and in this regard pay particular attention to cross-sectoral cooperation.

26. Identify, where appropriate, at all levels, those policy and administrative areas that are relevant to sport and physical activity, and encourage the sectoral decision-makers to take greater account of the benefits that sport and physical activity can generate in their respective policies.

27. Promote and encourage long-term cross-sectoral cooperation on different levels, inter alia, through sharing best practices, and facilitate and support it through appropriate measures.

28. Involve, where appropriate, all stakeholders from the sport sector, especially the sport movement, in cross-sectoral cooperation.

29. Inform stakeholders about relevant EU funding programmes to support cross-sectoral projects related to sports and physical activity and/or make use of such programmes as appropriate (\(^p\)).

INVITE THE COMMISSION TO:

30. Promote cross-sectoral cooperation for the benefit of sport, physical activity and social cohesion through appropriate initiatives (\(^q\)) and support the exchange of best practices in this regard, involving as appropriate the HEPA focal points network (\(^r\)).

31. Organize meetings with representatives of the sports sector and other relevant stakeholders to develop, document and monitor shared goals and strategies at the European level, in order to increase citizens' participation in sport and physical activity in the short, mid and long terms, and in this regard pay particular attention to cross-sectoral cooperation.

32. Consider supporting the cross-sectoral approach to the promotion of projects related to sport and physical activity in the implementation of relevant EU funding programmes.

\(^n\) See for example paragraphs 10–13.
\(^m\) See definition in the Annex.
\(^o\) For example, promoting cooperation of local sports clubs with schools (e.g. offering sports groups in the afternoon) could lead to the sports clubs getting more members.
\(^p\) For instance, the Erasmus+ programme, the Cohesion Policy Funds, or the Agricultural Fund for Rural Development.
\(^q\) Such initiatives could be the European Week of Sport, the EU Sport Forum, the Tartu Call for a Healthy Lifestyle as well as the SHARE initiative.
\(^r\) Council Recommendation of 26 November 2013 on promoting health-enhancing physical activity across sectors, in particular recommendation 3.
33. Inform Member States, the sport movement and other relevant stakeholders about relevant EU funding programmes and initiatives that can be used to support cross-sectoral projects related to sport and physical activity and to promote a healthy lifestyle.

34. Identify those policy and administrative areas at EU level that are relevant to sport and physical activity, and encourage greater consideration of the positive impact of sport and physical activity in other policy sectors’ planning and programmes and in achieving the overall political priorities of the EU.

35. Contribute to the better knowledge of the sector, e.g. by providing studies and analysis to support the positive impact of sport and physical activity, including financial benefits that sport and physical activity may have on other sectors.

INVITE THE SPORT MOVEMENT AND OTHER RELEVANT STAKEHOLDERS TO:

36. Actively engage in the development of strategies to increase citizens’ participation in sport and physical activity.

37. Consider becoming part of a cross-sectoral cooperation initiative on all levels in order to promote the important role that sport and physical activity can play in a healthy lifestyle, in personal and social development, social cohesion and social inclusion.
ANNEX

References


— Council Conclusions of 11 June 2020 on empowering coaches by enhancing opportunities to acquire skills and competences (OJ C 196, 11.6.2020, p. 1).


— Council of Europe Recommendation No R (92) 13 REV of the Committee of Ministers to Member States on the revised European Sports Charter

— Transforming our world: the 2030 Agenda for Sustainable Development (UNGA Resolution A/RES/70/1 of 25 September 2015)

Definition

For the purpose of these Conclusions, the ‘sport sector’ consists of sports federations, sports clubs and other stakeholders focused on sport-related activities, as well as sport-related public authorities and institutions at various levels.
Council conclusions

‘The European arrest warrant and extradition procedures – current challenges and the way forward’

(2020/C 419/09)

THE COUNCIL HAS ADOPTED THE FOLLOWING CONCLUSIONS:

1. The key priority of the Strategic Agenda 2019-2024, adopted by the European Council on 20 June 2019, is protecting citizens and freedoms. Europe must be a place where people feel free and safe. To this end, the fight against terrorism and cross-border crime must be expanded and strengthened. Cooperation in criminal matters and the exchange of information should reflect these ambitions and the application of common instruments must be further improved and developed.

2. The Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA, EAW Framework Decision) (1), which is the key instrument of judicial cooperation in criminal matters, has simplified and accelerated cooperation between Member States. It continues to make an essential contribution to meeting the Union’s objective of providing its citizens with an area of freedom, security and justice.

3. Discussions on how to further improve judicial cooperation in criminal matters have been held on various occasions. During this process, certain areas have emerged in which the effectiveness of the EAW surrender mechanism could be further increased. Thus, in 2018, during the Austrian Presidency, the Council adopted conclusions on mutual recognition in criminal matters, entitled ‘Promoting mutual recognition by enhancing mutual trust’ (2). In 2019, the Romanian Presidency issued a report entitled ‘The way forward in the field of mutual recognition of judicial decisions in criminal matters’ (3). The Commission’s latest implementation report of 2 July 2020 (4), the ongoing ninth round of mutual evaluations in the Council (5), the draft implementation report of the European Parliament’s LIBE Committee of 4 September (6) and the virtual conference held on 24 September 2020 in the context of the German Presidency (7) have given the discussions on the future of the EAW new impetus.

4. 13 June 2022 will be the 20th anniversary of the adoption of the EAW Framework Decision. Member States, the Commission, the European Union Agency for Fundamental Rights (FRA), Eurojust, the European Judicial Network (EJN) and practitioners working on a daily basis on surrender proceedings should strive to find and implement solutions for current challenges in the application of the Framework Decision to celebrate that anniversary.

5. The Council agrees that there is scope for improvement in the following areas:

A. Improving national transposition and the practical application of the EAW Framework Decision;

B. Supporting executing authorities in dealing with fundamental rights evaluations;

C. Addressing certain aspects of the procedure in the issuing and in the executing Member State;

D. Handling requests to extradite EU citizens to third countries;

E. Strengthening EAW surrender procedures in times of crisis.

(3) 9728/19.
(4) COM(2020) 270 final.
(5) 9th round of mutual evaluations on mutual recognition legal instruments in the field of deprivation or restriction of liberty, see 6333/19 for the scope of the evaluation.
(7) See Presidency paper 11419/20.
A. Improving the national transposition and practical application of the EAW Framework Decision

6. The efficiency and effectiveness of the EAW Framework Decision depend mainly on national legislation transposing the requirements of EU law in full. Despite the considerable efforts already made, there is still room for improvement, in particular in view of the evolving case law of the Court of Justice of the European Union (CJEU).

7. The Council calls on the Member States to ensure the correct transposition of the EAW Framework Decision, taking due account of the case law of the CJEU and the recommendations resulting from the fourth and ongoing ninth rounds of mutual evaluations (8), as well as from the Commission's implementation reports of 24 January 2006, 11 July 2007, 11 April 2011 and 2 July 2020 (9). It should be noted that the Commission has started infringement procedures under Article 258 TFEU and, where necessary, will continue initiating such proceedings in the near future.

8. The Handbook on how to issue and execute a European arrest warrant (10), last updated in 2017, has proven to be a valuable tool for practitioners. In view of the developments that have taken place in the meantime, in particular with regard to the large number of judgments by the CJEU, the Council invites the Commission to update the Handbook in the near future.

9. The Member States are encouraged to make it easier for practitioners to apply and interpret the national legislation implementing the EAW Framework Decision by laying down non-binding guidelines for the application of the EAW. Such guidelines, which should take into account and be compatible with the EAW Handbook, could assist issuing judicial authorities, in particular as regards the verification of whether the conditions for issuing an EAW are met and whether the principle of proportionality is observed.

10. The Eurojust overview 'Case law by the Court of Justice of the EU on the EAW', last updated in March 2020, has proven to be a useful tool for practitioners. The Council invites Eurojust to update this overview as appropriate, as frequently as possible, and to continue making it electronically available in an appropriate form.

11. The Council encourages the Member States, the Commission and the European Judicial Training Network in their efforts to support and increase continuous training for practitioners involved in EAW surrender procedures and to further promote the exchange of views between practitioners from different Member States. Direct contact between practitioners in different Member States enhances mutual trust and thereby contributes to a better application of the EAW Framework Decision. Possibilities for hosting specific training events for practitioners from two or more Member States with a high mutual caseload should be further explored in order to promote mutual understanding.

12. Eurojust and the European Judicial Network (EJN) play a key role in the practical application of the EAW Framework Decision, as highlighted during the COVID-19 pandemic. The Council encourages Eurojust and the EJN to continue their valuable work and to intensify their efforts both to further improve information exchange, coordination and cooperation between national judicial authorities and to provide the best possible support for cooperation with the European Public Prosecutor’s Office (EPPO).

13. In order to further improve the application of the EAW Framework Decision, a centralised portal at Union level should be provided where all relevant information that could make it easier for practitioners to use the EAW is collected and continuously updated. To that end, the EJN, in consultation with the Commission, Eurojust and other relevant stakeholders, is invited to explore the options for expanding and further improving the EJN website, which already provides a broad range of information on the EAW and is therefore a good basis in that regard.

B. Supporting executing authorities in dealing with fundamental rights evaluations

14. The system put in place by the EAW Framework Decision is based on the principle of mutual recognition (recital 6, Article 82(1) TFEU); while execution of the EAW constitutes the rule (Article 1(2)), refusal to execute is the exception. Such refusal, which could increase the risk of impunity and undermine security of citizens and protection of victims, can, in principle, only be envisaged in the circumstances set out in Articles 3, 4 and 4a of the Framework Decision. Although the Framework Decision does not stipulate a ground for refusal in the case of imminent violations of

(8) See final report 8302/4/09 REV 4 and 6333/19.
fundamental rights, it does not have the effect of modifying Member States' obligation to respect fundamental rights and fundamental principles as enshrined in Article 6 TEU and in the Charter of Fundamental Rights (Article 1(3), recitals 12 and 13).

15. The CJEU has acknowledged that the executing judicial authority may, in exceptional circumstances and subject to certain conditions, refuse to execute an EAW where there is a real risk that the surrender of the person concerned could lead to inhuman or degrading treatment within the meaning of Article 4 of the Charter (11), owing to the detention conditions in the issuing State, or to a violation of the fundamental right to a fair trial enshrined in Article 47(2) of the Charter (12), due to concerns about the independence of the judiciary in the issuing State. Practitioners have thus been given the challenging task of resolving the tension between mutual recognition and the protection of fundamental rights on a case-by-case basis.

**Protection from inhuman or degrading treatment**

16. The prohibition of inhuman or degrading treatment or punishment, laid down in Article 4 of the Charter, is absolute in that it is closely linked to respect for human dignity, the subject of Article 1 of the Charter and one of the fundamental values of the Union and its Member States as set out in Article 2 TEU (13).

17. The Council emphasises that the challenges relating to detention conditions in the issuing Member State must be addressed in that Member State, and with regard to all detained persons. It highlights the fact that minimum standards and benchmarks on detention conditions, including on pre-trial detention, already exist in the form of recognised soft-law instruments, in particular the Council of Europe's European Prison Rules (14). The Council encourages Member States to take the measures necessary to ensure compliance with these instruments.

18. The Council underlines the importance of providing practitioners with the necessary support and information to carry out the two-step assessment as set out by the CJEU (15). Practitioners must have access to objective, reliable, specific and properly updated information in order to assess, as a first step, whether there are deficiencies with respect to the detention conditions in the issuing Member State, which may be systemic or generalised, which may affect certain groups of people, or which may affect certain places of detention. For the second step of assessment, practitioners must, pursuant to Article 15(2) of the EAW Framework Decision, receive all necessary information on the conditions in which it is actually intended that the individual concerned will be detained in the issuing Member State, in order to assess whether there are substantial grounds for believing that, if surrendered, that person would run a real risk of being subject to inhuman or degrading treatment.

19. The Council welcomes the fact that, in order to improve access to the information necessary, the European Union Agency for Fundamental Rights (FRA) launched the criminal detention database in 2019, bringing together in one place information from 2015 to 2019 on detention conditions in all EU Member States. The FRA is invited to regularly update this database in order to ensure that the information provided meets the requirements set out by the CJEU and, in the medium term, to assess whether the database meets the needs encountered in practice.

20. The Council invites the Commission, when updating the EAW Handbook, to place particular emphasis on providing guidance for practitioners on how to deal with the question of detention conditions, taking into account the results of the ongoing ninth round of mutual evaluations. In this context, the Commission should also consider the advisability of developing practical solutions, such as a template for requesting supplementary information pursuant to Article 15 (2) of the EAW Framework Decision.

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(12) CJEU, 25 July 2018, C-216/18 PPU, LM. See the pending proceedings in joined cases C-354/20 PPU and C-412/20 PPU, Openbaar Ministerie e.a.
(13) CJEU, 5 April 2016, C-404/15, Aranyosi and Caldararu, paras. 85, 87.
Safeguarding the right to a fair trial

21. The right to a fair trial, as laid down in Article 47(2) of the Charter, is of cardinal importance as a guarantee that all the rights which individuals derive from EU law will be protected and that the values common to the Member States set out in Article 2 TEU, in particular the value of the rule of law, will be safeguarded (16).

22. The Council reminds Member States of their responsibility to ensure respect for the rule of law in the EU and to safeguard the right to a fair trial and, in particular, access to an independent and impartial tribunal. Member States must take the measures necessary to remedy deficiencies in order to strengthen mutual trust and to avoid the risk of a politicisation of cooperation in criminal matters. The Council calls on the Commission to make use of its function as guardian of the Treaties in this respect.

23. The Council underlines the importance of providing practitioners with the necessary support and information to carry out the two-step assessment required in cases of an alleged risk of breach of Article 47(2) of the Charter as set out by the CJEU (17). Practitioners must have access to objective, reliable, specific and properly updated material, in order to assess, as a first step, whether there is a real risk, connected with a lack of independence of the courts in the issuing Member State owing to systemic or generalised deficiencies, of the fundamental right to a fair trial being breached. For the second step, practitioners must receive, pursuant to Article 15(2) of the EAW Framework Decision, all necessary information to assess whether there are substantial grounds for believing that the person concerned will run such a risk if he or she is surrendered, having regard to the personal situation of that person, as well as to the nature of the offence and the factual context that form the basis of the EAW.

24. The Council invites the Commission, when updating the EAW Handbook, to provide guidance for practitioners on how to deal with cases of alleged risk of breach of Article 47(2) of the Charter and, in consultation with the FRA, to consider ways to improve practitioners’ access to information and to the sources of information to which practitioners may refer, taking into account the criteria set out by the CJEU.

Assurances

25. In accordance with Article 15(2) of the EAW Framework Decision and the principle of sincere cooperation set out in the first subparagraph of Article 4(3) TEU, the executing authority may request supplementary information and the issuing authority may give assurances that the person concerned, if surrendered, will not suffer a violation of his or her fundamental rights (18).

26. The Council underlines that the executing judicial authority, in view of the mutual trust which must exist between the judicial authorities of the Member States and on which the European arrest warrant system is based, must rely on those assurances, at least in the absence of any specific indications to the contrary (19).

C. Addressing certain aspects of the procedure in the issuing and in the executing Member State

Strengthening procedural rights in EAW proceedings

27. Considerable progress has already been made with respect to the procedural rights of suspected or accused persons in criminal proceedings. In implementing the Roadmap for strengthening procedural rights (20) as part of the Stockholm Programme (21), common minimum requirements for criminal proceedings were established by Directive 2010/64/EU (right to interpretation and translation), Directive 2012/13/EU (right to information), Directive 2013/48/EU (right of access to a lawyer), Directive (EU) 2016/343 (presumption of innocence, right to be present at the trial), Directive (EU) 2016/800 (procedural safeguards for children), and Directive (EU) 2016/1919 (legal aid).

28. The Commission’s implementation reports, published on 18 December 2018 with respect to Directives 2010/64/EU (22) and 2012/13/EU (23), and on 27 September 2019 with respect to Directive 2013/48/EU (24), show a clear need for improvement in the transposition of these Directives. The Council calls on the Member States concerned to remedy the shortcomings identified in the implementation reports and to ensure full and correct implementation of the Directives. It should be noted that the Commission has started infringement procedures under Article 258 TFEU and, where necessary, will continue to initiate such procedures in the near future.

29. The Council emphasises the need to assess the practical effectiveness of procedural rights in proceedings in the issuing and executing Member States under the EAW Framework Decision. The report published by the FRA on 27 September 2019 (Rights in practice: access to a lawyer and procedural rights in criminal and EAW proceedings), which covers the situation in eight Member States, is a valuable contribution in this regard. The Council invites the FRA to consider the possibility of continuing the study, extending it to all Member States and putting a special emphasis on the experiences of lawyers acting in surrender proceedings until 2022.

Translations

30. The Council recalls that an EAW must be translated into one of the official or accepted languages of the executing Member State and stresses that an adequate translation is essential for the effective functioning of EAW surrender procedures.

31. The Council invites Member States to consider, with regard to the translation of the EAW, whether they could make greater use than at present of the possibility provided for in Article 8(2) of the EAW Framework Decision, to accept a translation in one or more other official languages of the European Union, in order to simplify and accelerate the procedure.

Transfer of proceedings and conflicts of jurisdiction

32. In order to avoid impunity in a Europe without borders, for example when the execution of an EAW is refused, when there is a conflict of jurisdiction, or in case of parallel proceedings in two or more Member States in relation to the same facts, the question arises, inter alia, of how proceedings can be transferred effectively and how conflicts of jurisdiction can be resolved.

33. The Council Framework Decision of 30 November 2009 on prevention and settlement of conflicts of jurisdiction in criminal proceedings (2009/948/JHA) (25) aims to prevent parallel proceedings in respect of the same facts and infringements of the principle of ‘ne bis in idem’, but is limited to establishing provisions on the exchange of information and direct consultations between the competent authorities of the Member States. As is underlined by the Report on ‘Eurojust’s casework in the field of prevention and resolution of conflicts of jurisdiction’ of 16 February 2018, difficulties remain, in particular in complex cases and those relating to negative conflicts of jurisdiction.

34. There is currently no common legal framework for the transfer of criminal proceedings between Member States. Only 13 Member States have ratified the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972. The other Member States rely on the use of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959, in conjunction with the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000, or on bilateral agreements or informal cooperation.

35. In the past, despite considerable efforts, in particular the initiative of 16 Member States for a Council Framework Decision on transfer of proceedings in criminal matters in 2009 (26), no consensus regarding an EU instrument could be reached. However, as is highlighted in Eurojust’s report of 16 February 2018 and the conclusions on the 52nd Plenary meeting of the EJN in 2019 (27), practitioners continue to face legal and practical challenges as a result and therefore tend to support the creation of an EU instrument.

36. Common rules between Member States on the transfer of proceedings and conflicts of jurisdiction could, in principle, be an important contribution to the fight against cross-border crime by increasing the efficiency of criminal proceedings and improving the proper administration of justice within the area of freedom, security and justice.

(27) 14501/19.
37. In its report ‘The way forward in the field of mutual recognition of judicial decisions in criminal matters’, the Romanian Presidency suggested further exploration of the need to launch a legislative proposal on the transfer of proceedings in criminal matters in a broader context, including assessment of the provisions of Framework Decision 2009/948/JHA on conflicts of jurisdiction. In the light of this report, the Commission financed an academic study on the transfer of proceedings in criminal matters, which will be finalised in the second half of 2021.

38. The Council invites the Commission, as soon as the outcome of the study is available, to discuss with the Member States, Eurojust and the EJN whether a new proposal for an EU instrument on the transfer of proceedings in criminal matters is feasible and would present an added value. In the affirmative, the Commission is invited to prepare an impact assessment and, where appropriate, a legislative proposal.

**Promoting alternatives to detention and to the use of an EAW**

39. The Council encourages Member States to explore the opportunities to enhance, where appropriate, the use of non-custodial sanctions and measures, as set out in the Council conclusions adopted during the Finnish Presidency regarding the use of non-custodial sanctions and measures in the field of criminal justice.

40. When considering the consequences that the execution of an EAW will have on the requested person’s liberty, the issuing authority must determine whether, in the light of the particular circumstances of each case, it is proportionate to issue an EAW. This assessment includes, in particular, the question of whether the EAW is the most appropriate instrument or whether other judicial cooperation measures could be used instead (e.g. European investigation orders, European supervision orders, transfer of prisoners).

41. The Council invites the Commission and the Member States to consider whether there is a need to strengthen the use of other judicial cooperation measures, taking into account the results of the ongoing ninth round of mutual evaluations.

D. **Handling requests to extradite EU citizens to third countries**

42. The Council recalls the exchange on the state of play regarding the handling of extradition requests from third countries concerning EU citizens who are not nationals of the requested Member State at the informal video-conference of justice ministers on 4 June 2020.

43. Following the judgments of the CJEU in the *Petruhhin* case and several subsequent rulings, in handling such requests Member States are faced with two obligations: on the one hand, the duty to fulfil existing obligations under international law and to combat the risk that the offence concerned will go unpunished and, on the other hand, Member States that do not extradite their nationals are obliged, in accordance with the principles of freedom of movement and non-discrimination on grounds of nationality, to protect citizens from other Member States as effectively as possible from measures that may deprive them of the rights of free movement and residence within the EU. In that regard, the CJEU has clarified that the requested Member State must ascertain whether there is an alternative measure which would be less prejudicial to the exercise of the rights of free movement and which would be equally effective in achieving the objective of preventing impunity. This includes informing the Member State of which the person concerned is a national and, should that Member State so request, surrendering the requested person to that Member State in application of the EAW Framework Decision, provided that said Member State has jurisdiction to prosecute that person for offences committed outside national territory.

44. Considerable work has been done to provide an insight into the practical application of the *Petruhhin* principles by Member States. However, the existing case law does not provide a solution when the Member State of nationality cannot issue an EAW in respect of the requested person.

45. The Council welcomes the fact that Eurojust and the EJN have conducted a most useful analysis of how requests for the extradition of Union citizens by third countries are handled in practice. The Council will discuss the results of this analysis in a timely manner and decide on the question of whether any follow-up action should be taken and, if so, in what form.

\(^{(1)}\) See Council documents 10429/17, 15786/17, 15207/17.
46. The practical experience of different Member States shows that there are cases where unfounded and abusive requests for extradition are submitted by third countries. The Council invites the Commission to consider the need, in the light of the results of the analysis prepared by Eurojust and the EJN, for further action, such as a suggestion for a common approach in dealing with potentially abusive, including politically motivated, search and extradition requests from third countries. In this context, the best practices of the Member States should be taken into account.

E. Strengthening EAW surrender procedures in times of crisis

47. In order to prevent the spread of COVID-19, Member States have taken a variety of measures, such as closing borders, suspending air traffic and imposing strict contact and social distancing rules. This has also had a significant impact on judicial cooperation in criminal matters, in particular on surrender procedures under the EAW Framework Decision.

48. The Council underlines that ensuring the proper functioning of judicial cooperation in criminal matters in times of crisis is of great importance for the area of freedom, security and justice. COVID-19 has highlighted the importance of the coordinated and swift exchange of information and experience, and the need to further digitalise cooperation between the Member States.

49. With regard to the necessary exchange of information and experience in times of crisis, a coordinated approach by all actors involved is vital in order to avoid duplication of work and to streamline the collection and distribution of information. The use of questionnaires has proven to be a valuable instrument for collecting information, and the regularly updated compilation by Eurojust and the EJN, combining information received by Eurojust, the EJN and the Presidency/General Secretariat of the Council, has proven to be a valuable tool for the coordinated exchange of information and of great assistance to practitioners. In the future, consideration should be given to creating an electronic platform on which, in times of crisis, helpful information could be consulted and updated on a daily basis.

50. The Council underlines that digitalisation plays a central role. The COVID-19 pandemic has clearly illustrated the need for the prompt and comprehensive digitalisation of cross-border judicial cooperation, as highlighted in the Council conclusions ‘Access to justice – seizing the opportunities of digitalisation’, which were agreed under the German Presidency (\(^\text{(*)}\)). In many cases, practical issues can be overcome by means of digital solutions.

51. The Council welcomes the Commission’s final report on the study on ‘Cross-border Digital Criminal Justice’, published on 14 September 2020. The measures adopted as a follow-up to this study should pay particular attention to the following aspects: the creation of secure electronic communication channels between competent authorities, a harmonised approach to the recognition and use of electronic signatures, or at least more flexible use of the existing systems, the creation of a secure means of transmitting large files and a better alignment of video-conferencing systems, in particular with regard to their quality and technical interoperability.

51. The Council welcomes the Commission’s final report on the study on ‘Cross-border Digital Criminal Justice’, published on 14 September 2020. The measures adopted as a follow-up to this study should pay particular attention to the following aspects: the creation of secure electronic communication channels between competent authorities, a harmonised approach to the recognition and use of electronic signatures, or at least more flexible use of the existing systems, the creation of a secure means of transmitting large files and a better alignment of video-conferencing systems, in particular with regard to their quality and technical interoperability."
### Euro exchange rates

3 December 2020

(2020/C 419/10)

1 euro =

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</table>

(†) Source: reference exchange rate published by the ECB.
PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of an anti-subsidy proceeding concerning imports of aluminium converter foil originating in the People’s Republic of China

(2020/C 419/11)

The European Commission (the Commission) has received a complaint pursuant to Article 10 of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union (1) (the basic Regulation), alleging that imports of aluminium converter foil, originating in the People’s Republic of China are being subsidised and are thereby causing injury (2) to the Union industry.

1. Complaint

The complaint was lodged on 21 October 2020 by six Union producers (the complainants), representing more than 50 % of the total Union production of aluminium converter foil.

An open version of the complaint and the analysis of the degree of support by Union producers for the complaint are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

2. Product under investigation

The product subject to this investigation is aluminium converter foil of a thickness of less than 0,021 mm, not backed, not further worked than rolled, in rolls of a weight exceeding 10 kg (the product under investigation).

The following products are excluded:

— Aluminium household foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a weight not exceeding 650 mm and of a weight exceeding 10 kg.

— Aluminium household foil of a thickness of not less than 0,007 mm and less than 0,008 mm, regardless of the width of the rolls, whether or not annealed.

— Aluminium household foil of a thickness of not less than 0,008 mm and not more than 0,018 mm and in rolls of a width exceeding 650 mm, whether or not annealed.

— Aluminium household foil of a thickness of more than 0,018 mm and less than 0,021 mm, regardless of the width of the rolls, whether or not annealed.

(2) The general term 'injury' refers to material injury as well as to threat of material injury or material retardation of the establishment of an industry as set out in Article 2(d) of the basic Regulation.
All interested parties wishing to submit information on the product scope must do so within 10 days of the date of publication of this Notice.

3. Allegation of subsidisation

The product allegedly being subsidised is the product under investigation, originating in the People’s Republic of China (the PRC or 'the country concerned') currently classified under CN code ex 7607 11 19 (TARIC codes 7607 11 19 60 and 7606 11 19 91).

The complaint includes sufficient evidence that the producers of the product under investigation from the country concerned have benefitted from a number of subsidies granted by the Government of the People's Republic of China.

The alleged subsidy practices consist, inter alia, of (1) direct transfer of funds and potential direct transfers of funds or liabilities; (2) government revenue forgone or not collected; and (3) government provision of goods or services for less than adequate remuneration. The complaint contained evidence, for example, of various grants, provision of loans and credit lines provided by State-owned banks and other financial institutions at preferential terms, and provision of export credits by State-owned banks and other financial institutions; income tax reductions and exemptions, import tariff rebates and VAT exemptions and rebates; and government provision of goods for less than adequate remuneration.

The complainants allege that the above measures are subsidies since they involve a financial contribution from the Government of the People’s Republic of China or other regional governments (including public bodies) and confer a benefit to the exporting producers of the product under investigation. They are alleged to be limited to certain enterprises or industry or group of enterprises and are therefore specific and countervailable. On this basis the alleged subsidy amounts appear to be significant for the country concerned.

In view of Articles 10(2) and 10(3) of the basic Regulation, the Commission prepared a memorandum on sufficiency of evidence containing the Commission’s assessment on all the evidence at the disposal of the Commission concerning the PRC and on the basis of which the Commission initiates the investigation. That memorandum can be found in the file for inspection by interested parties.

The Commission reserves the right to investigate other relevant subsidies that may be revealed during the course of the investigation.

4. Allegations of injury and causation

The complainants have provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms.

The evidence provided by the complainants shows that the volume and the prices of the imported product under investigation have had, among other consequences, a negative impact on level of prices charged by the Union industry, resulting in substantial adverse effects on the overall performance, financial situation and employment situation of the Union industry.

Furthermore, the complainants provide evidence that there is sufficient freely disposable capacity in the PRC indicating the likelihood of substantially increased imports.

It is also alleged that the flow of subsidised imports is likely to further increase substantially due to the recent imposition of tariffs and measures against the product under investigation in third markets such as United States, Turkey, India, Mexico and Indonesia. That indicates a likelihood of a redirection of exports to the Union leading to a substantial increase of subsidised imports. The complainants allege that those changes in circumstances are clearly expected and imminent.

The complainants also allege that the increase of unfair imports is the main cause of injury and there are no other factors that appear to attenuate the causal link.

The Commission considers that there is sufficient evidence showing that the volume and the prices of the imported product under investigation have had, among other consequences, a negative impact on the quantities sold and the level of prices charged, resulting in substantial adverse effects on the overall performance of the Union industry.

5. Procedure

Having determined, after informing the Member States, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 10 of the basic Regulation.

References to the publication of this Notice mean publication in the Official Journal of the European Union.
The investigation will determine whether the product under investigation originating in the country concerned is being subsidised and whether the subsidised imports have caused injury to the Union industry.

If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

The Government of the country concerned has been invited for consultations in accordance with Article 10(7) of the basic Regulation.

Regulation (EU) 2018/825 of the European Parliament and of the Council (TDI Modernisation package), (*) which entered into force on 8 June 2018, introduced a number of changes to the timetable and deadlines previously applicable in anti-subsidy proceedings. In particular, the Commission needs to provide information on the planned imposition of provisional duties 3 weeks before the imposition of provisional measures. The time-limits for interested parties to come forward, in particular at the early stage of investigations, are shortened. Therefore, the Commission invites interested parties to respect the procedural steps and deadlines provided in this Notice as well as in further communications from the Commission.

The Commission also draws the attention of the parties that further to the COVID-19 outbreak, a Notice (**) was published on the potential consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations.

5.1. **Investigation period and period considered**

The investigation of subsidisation and injury will cover the period from 1 July 2019 to 30 June 2020 (‘the investigation period’). The examination of trends relevant for the assessment of injury will cover the period from 1 January 2017 to the end of the investigation period (‘the period considered’).

5.2. **Comments on the complaint and the initiation of the investigation**

All interested parties wishing to comment on the complaint (including matters pertaining to injury and causality) or any aspects regarding the initiation of the investigation (including the degree of support for the complaint) must do so within 37 days of the date of publication of this Notice.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

5.3. **Procedure for the determination of subsidisation**

Exporting producers (***) of the product under investigation are invited to participate in the Commission investigation. Other parties from which the Commission will seek relevant information to determine the existence and amount of countervailable subsidies conferred upon the product under investigation are also invited to cooperate with the Commission to the fullest extent possible.

5.3.1. **Investigating producers in the country concerned**

(a) Sampling

In view of the potentially large number of exporting producers in the country concerned involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as ‘sampling’). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to provide the Commission with information on their company(ies) within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address: https://tron.trade.ec.europa.eu/tron<tdi/form>b4e93881-94c5-6b55-1a58-907cc74e7173 Tron access information can be found in Sections 5.6 and 5.8.


(***) An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.
In order to obtain information it deems necessary for the selection of the sample of exporting producers, the Commission has also contacted the authorities of the PRC and may contact any known associations of producers in the country concerned.

If a sample is necessary, the producers will be selected based on the largest representative volume of production, sales or exports that can reasonably be investigated within the time available. All known producers, the authorities of the country concerned and associations of producers will be notified by the Commission, via the authorities of the country concerned, if appropriate, of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation with regard to producers in the country concerned, the Commission will make questionnaires available to the producers selected to be in the sample, to any known associations of producers, and to the authorities of the country concerned.

Once the Commission has received the necessary information to select a sample of exporting producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled exporting producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

The Commission will add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade’s website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2501 The questionnaire will also be made available to any known association of exporting producers, and to the authorities of the People's Republic of China.

Without prejudice to the possible application of Article 28 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating (‘non-sampled exporting cooperating producers’).

(b) Individual amount of countervailable subsidisation for companies not included in the sample

Pursuant to Article 27(3) of the basic Regulation, non-sampled cooperating exporting producers may request the Commission to establish their individual amount of countervailable subsidisation. Exporting producers wishing to claim an individual amount of countervailable subsidisation must fill in the questionnaire and return it duly completed within 30 days of the date of notification of the sample selection, unless otherwise specified. A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade’s website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2501

The Commission will examine whether non-sampled cooperating exporting producers can be granted an individual duty in accordance with Article 27(3) of the basic Regulation.

However, non-sampled cooperating exporting producers claiming an individual amount of countervailable subsidisation should be aware that the Commission may nonetheless decide not to determine their individual amount of countervailable subsidisation if, for instance, the number of non-sampled cooperating exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.
5.3.2. *Investigating unrelated importers* (*) (*)

Unrelated importers of the product under investigation from the PRC to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to provide the Commission with the information on their company(ies) requested in the Annex to this Notice within 7 days of the date of publication of this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

The Commission will add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain information it deems necessary for its investigation, the Commission will make available questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the decision about the sample, unless otherwise specified.

A copy of the questionnaire for importers is available in the file for inspection by interested parties and on DG Trade’s website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2501

5.4. *Procedure for the determination of injury and investigating Union producers*

A determination of injury is based on positive evidence and involves an objective examination of the volume of the subsidised imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

In view of the large number of Union producers concerned and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 27 of the basic Regulation.

(*) This section covers only importers not related to exporting producers. Importers that are related to exporting producers have to fill in the questionnaire for exporting producers that is available in the file for inspection by interested parties and on DG Trade’s website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2501 In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person’s business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, ‘person’ means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

(∗) The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of injury.
The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample must contact the Commission within 7 days of the date of publication of this Notice. All comments regarding the provisional sample must be received within 7 days of the date of publication of this Notice, unless otherwise specified.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2501

5.5. Procedure for the assessment of Union interest

Should the existence of subsidisation and injury caused thereby be established, a decision will be reached, pursuant to Article 31 of the basic Regulation, as to whether the adoption of anti-subsidy measures would not be against the Union interest.

Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations are invited to provide the Commission with information on the Union interest.

Information concerning the assessment of Union interest must be provided within 37 days of the date of publication of this Notice, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission.

A copy of the questionnaires, including the questionnaire for users of the product under investigation, is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2501 In any case, information submitted pursuant to Article 31 will only be taken into account if supported by factual evidence at the time of submission which substantiates its validity.

5.6. Interested parties

In order to participate in the investigation interested parties, such as exporting producers, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under investigation.

Exporting producers in the country concerned, Union producers, importers and representative associations who made information available in accordance to the procedures described in Sections 5.3.1, 5.3.2 and 5.4 above will be considered as interested parties if there is an objective link between their activities and the product under investigation.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under investigation. Being considered as an interested party is without prejudice to the application of Article 28 of the basic Regulation.

Access to the file available for inspection for interested parties is made via TRON.tdi at the following address: https://tron.trade.ec.europa.eu/tron/tdi Please follow the instructions on that page to get access.

5.7. Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission's investigation services.

Any request to be heard must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

The timeframe for hearings is as follows:

— For any hearings to take place before the imposition of provisional measures, a request should be made within 15 days from the date of publication of this Notice and the hearing will normally take place within 60 days of the date of publication of this Notice.
— After the provisional stage, a request should be made within 5 days from the date of the provisional disclosure or of the information document, and the hearing will normally take place within 15 days from the date of notification of the disclosure or the date of the information document.

— At definitive stage, a request should be made within 3 days from the date of the final disclosure, and the hearing will normally take place within the period granted to comment on the final disclosure. If there is an additional final disclosure, a request should be made immediately upon receipt of this additional final disclosure, and the hearing will normally take place within the deadline to provide comments on this disclosure.

The outlined timeframe is without prejudice to the right of the Commission services to accept hearings outside the timeframe in duly justified cases and to the right of the Commission to deny hearings in duly justified cases. Where the Commission services refuse a hearing request, the party concerned will be informed of the reasons for such refusal.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

5.8. Instructions for making written submissions and sending completed questionnaires and correspondence

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' (9). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 29(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (https://tron.trade.ec.europa.eu/tron/tdi) including scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:
European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

(9) A 'Sensitive' document is a document which is considered confidential pursuant to Article 29 of the basic Regulation and Article 12.4 of the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).
Email:

For subsidy issues:
TRADE-AS675-ACF-SUBSIDY@ec.europa.eu

For injury and Union interest issues:
TRADE-AS675-ACF-INJURY@ec.europa.eu

6. Schedule of the investigation

Pursuant to Article 11(9) of the basic Regulation, the investigation shall, whenever possible, be concluded within 12 months and in any event no later than 13 months from the date of the publication of this Notice. In accordance with Article 12(1) of the basic Regulation, provisional measures may be imposed not later than 9 months from the publication of this Notice.

In accordance with Article 29a of the basic Regulation, the Commission will provide information on the planned imposition of provisional duties 4 weeks before the imposition of provisional measures. Interested parties may request this information in writing within 4 months of the publication of this Notice. Interested parties will be given 3 working days to comment in writing on the accuracy of the calculations.

In cases where the Commission intends not to impose provisional duties but to continue the investigation, interested parties will be informed in writing of the non-imposition of duties 4 weeks before the expiry of the deadline under Article 12(1) of the basic Regulation.

Interested parties will be given in principle 15 days to comment in writing on the provisional findings or on the information document, and 10 days to comment in writing on the definitive findings, unless otherwise specified. Where applicable, additional final disclosures will specify the deadline for interested parties to comment in writing.

7. Submission of information

As a rule, interested parties may only submit information in the timeframes specified in Sections 5 and 6 of this Notice. The submission of any other information not covered by those sections should respect the following timetable:

— Any information for the stage of provisional findings should be submitted within 70 days from the date of publication of this Notice, unless otherwise specified.

— Unless otherwise specified, interested parties should not submit new factual information after the deadline to comment on the provisional disclosure or the information document at provisional stage. Beyond such deadline, interested parties may only submit new factual information provided that such parties can demonstrate that such new factual information is necessary to rebut factual allegations made by other interested parties and provided that such new factual information can be verified within the time available to complete the investigation in a timely manner.

— In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. Possibility to comment on other parties’ submissions

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Such comments should be made according to the following timeframe:

— Any comment on information submitted by other interested parties before the imposition of provisional measures should be made at the latest within 75 days from the date of publication of this Notice, unless otherwise specified.

— Comments on the information provided by other interested parties in reaction to the disclosure of the provisional findings or of the information document should be submitted within 7 days from the deadline to comment on the provisional findings or on the information document, unless otherwise specified.
Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 3 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. Extension to time limits specified in this Notice

Extensions to time-limits provided for in this Notice may be granted upon request of interested parties showing due cause.

Any extension to the time-limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified.

In any event, any extension to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days.

Regarding time limits for the submission of other information specified in the Notice of Initiation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

10. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 28 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

11. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties’ rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in the due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.
For further information and contact details interested parties may consult the Hearing Officer’s web pages on DG Trade’s website: http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/

12. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council (\(^{(10)}\)).

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission’s trade defence activities is available on DG TRADE’s website: http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/

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ANNEX

☐ ‘Sensitive’ version
☐ Version ‘For inspection by interested parties’
(tick the appropriate box)

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF ALUMINIUM CONVERTER FOIL ORIGINATING IN THE PEOPLE’S REPUBLIC OF CHINA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.3.2 of the Notice of initiation.

Both the ‘Sensitive’ version and the version ‘For inspection by interested parties’ must be returned to the Commission as set out in the Notice of initiation.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

<table>
<thead>
<tr>
<th>Company name</th>
<th>Address</th>
<th>Contact person</th>
<th>Email address</th>
<th>Telephone</th>
</tr>
</thead>
</table>

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of your company, as well as the value and the weight of the imports into the Union (from China and from all origins) and the weight and value of resales on the Union market after importation from the People’s Republic of China, during the investigation period (1 July 2019 to 30 June 2020) of aluminium converter foil as defined in the Notice of initiation.

<table>
<thead>
<tr>
<th></th>
<th>Tonnes</th>
<th>Value in euros (EUR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total turnover of your company in euros (EUR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imports of the product under investigation originating in the People’s Republic of China into the Union</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imports of the product under investigation into the Union (all origins)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resales on the Union market after importation from the People’s Republic of China of the product under investigation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES (*)

Give details of the precise activities of your company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under subcontracting arrangements, or processing or trading the product under investigation.

<table>
<thead>
<tr>
<th>Company name and location</th>
<th>Activities</th>
<th>Relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 4. OTHER INFORMATION

Please provide any other relevant information that you consider useful to assist the Commission in the selection of the sample.

### 5. CERTIFICATION

By providing the above information, your company agrees to its possible inclusion in the sample. If your company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If your company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission’s findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:
Name and title of authorised official:
Date:

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(*) In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person’s business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5% or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, ‘person’ means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).
PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case M.10058 – Porsche/Transnet/JV)
Candidate case for simplified procedure
(Text with EEA relevance)
(2020/C 419/12)

1. On 27 November 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (1).

This notification concerns the following undertakings:
— Dr. Ing. h.c. F. Porsche Aktiengesellschaft (‘Porsche’, Germany),
— TransnetBW GmbH (‘Transnet’, Germany),

Porsche (through its subsidiary MHP) and Transnet intend to acquire joint control within the meaning of Articles 3(1)(b) and 3(4) of the EU Merger Control Regulation over a yet to be, i.e. newly established, joint venture company (‘JVC’).

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
— for Porsche: a wholly owned, indirectly controlled, subsidiary of Volkswagen Aktiengesellschaft (‘VWAG’), active worldwide in the development, manufacture, marketing and sale of passenger cars, light commercial vehicles, trucks, buses, coaches, chassis for buses and diesel engines, motor bikes, each including spare parts, and accessories. The VW Group also engages in vehicle distribution.
— for Transnet: transmission system operator with its headquarter in Stuttgart, Germany. Transnet operates a large part of the transmission system in Baden-Wuerttemberg. Transnet is a wholly owned subsidiary of EnBW Energie Baden-Württemberg AG (‘EnBW’), an integrated energy supply company based in 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 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 the 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. The following reference should always be specified:

M.10058 – Porsche / Transnet / JV

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Prior notification of a concentration
(Case M.10065 — Advent/Nielsen Global Connect)
Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 419/13)

1. On 26 November 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (1).

This notification concerns the following undertakings:
— Advent International Corporation (‘Advent’, USA);
— Nielsen Global Connect (United Kingdom), belonging to Nielsen Holdings Plc (United Kingdom).

Advent acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Nielsen Global Connect. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
— for Advent: global private equity investor with holdings in five core sectors, namely business and financial services, healthcare, industrial, retail consumer and leisure, and technology.
— for Nielsen Global Connect: market research services, consisting of retail transactional measurement data, consumer behaviour information and analytics.

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 the 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. The following reference should always be specified:
M.10065 — Advent/Nielsen Global Connect

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu
Fax +32 22964301
Postal address:
European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIÉ

Prior notification of a concentration
(Case M.9993 — Allianz/Noble)
Candidate case for simplified procedure
(Text with EEA relevance)
(2020/C 419/14)

1. On 27 November 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (1).

   This notification concerns the following undertakings:
   — Allianz SE (‘Allianz’), belonging to the Allianz Group (‘Allianz Group’), both of Germany,
   — Noble plc (‘Noble’, UK).

   Allianz acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Noble.

   The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
   — for Allianz: providing financial services globally, predominantly in relation to life and non-life insurance and asset management,
   — for Noble: providing contract drilling services to the international oil and gas industry with a global fleet of mobile offshore drilling units.

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 the 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. The following reference should always be specified:

   M.9993 — Allianz/Noble

   Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

   Email: COMP-MERGER-REGISTRY@ec.europa.eu

   Fax +32 22964301

   Postal address:

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

Prior notification of a concentration
(Case M.10092 — Accel-KKR Capital Partners/OMERS Private Equity/KCS)
Candidate case for simplified procedure
(Text with EEA relevance)
(2020/C 419/15)

1. On 27 November 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (1).

This notification concerns the following undertakings:
— Accel-KKR Capital Partners (‘AKKR’, USA);
— OCP Investment Corporation and OMERS Administration Corporation (together ‘OMERS’, Canada), part of the OMERS Group;
— Kerridge Commercial Systems (‘KCS’, United Kingdom), currently controlled by AKKR.

AKKR and OMERS acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of KCS. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
— for AKKR: technology-focused private equity firm investing in mid-market software and technology, and providing a broad range of capital solutions including buyout capital, minority-growth investments, and credit alternatives;
— for OMERS: pension fund providing retirement benefits for its members across Ontario. It also manages a diversified global portfolio of stocks and bonds as well as real estate, infrastructure and private equity investments;
— for KCS: provider of enterprise resource planning software primarily for building products, automotive parts and industrial distributors. It provides solutions to: (i) accurately and efficiently manage sales teams; (ii) manage and maintain optimum stock levels; (iii) control inventory, sales and purchases; (iv) manage business accounts; (v) visually interpret sales performance; and (vi) support online customer service goals.

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 the 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. The following reference should always be specified:
M.10092 — Accel-KKR Capital Partners/OMERS Private Equity/KCS

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:
Email: COMP-MERGER-REGISTRY@ec.europa.eu
Fax +32 22964301
Postal address:
European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Prior notification of a concentration
(Case M.10035 — Burnam Parties/Kroenke Parties/SMG/Cascade Investment/StorageMart)
Candidate case for simplified procedure
(Text with EEA relevance)
(2020/C 419/16)

1. On 27 November 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (1).

This notification concerns the following undertakings:
— StorageMart Partners, LLC and its affiliates (‘Burnam Parties’, USA),
— E.Stanley Kroenke and affiliated entities (‘the Kroenke Parties’, USA),
— SMG StorCo, LLC (‘SMG’, USA) indirectly controlled by GIC Realty (Singapore),
— Cascade Investment L.L.C. (‘Cascade Investment’, USA),

Burnam Parties, the Kroenke Parties, SMG and Cascade Investment acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of StorageMart.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
— for StorageMart: a chain of self-storage facilities operating across the United States, Canada and the United Kingdom. StorageMart has 220 facilities worldwide, including 16 facilities located in the United Kingdom. These self-storage facilities are located in Buckinghamshire, Essex, Kent, Norfolk, Suffolk, Surrey, East Sussex and West Sussex,
— for Burnam Parties: comprise StorageMart Partners, L.L.C, and its affiliates, of whom Cris Burnam serves as Chief Executive Officer at StorageMart and Mike Burnam as President of StorageMart. The Burnam Parties currently jointly control the Target and are, through the Target, primarily active in the USA in the self-storage industry,
— for Kroenke Parties: comprise entities affiliated with E. Stanley Kroenke, a private individual residing in the USA who controls an international portfolio of investments, primarily active in the sport and real estate sectors. The Kroenke Parties, own a controlling interest in the Target pre-Transaction and are primarily active in the USA,
— for SMG: a wholly-owned indirect subsidiary of GIC Realty, a limited liability company incorporated under the laws of Singapore. GIC Realty is the holding company for real estate investments made on behalf of the Government of Singapore,
— for Cascade Investment: a private investment entity with a global investment portfolio which is primarily active in North America. It is a limited liability company whose sole member is William H. Gates III.

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 the 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. The following reference should always be specified:
M.10035 — Burnam Parties/Kroenke Parties/SMG/Cascade Investment/StorageMart

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu
Fax +32 22964301
Postal address:
European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussels
BELGIQUE/BELGIË