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<tr>
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</tr>
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<td>16</td>
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<td>17</td>
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(’) Text with EEA relevance.
II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration
(Case M.9117 — Saudi Aramco/Arlanxeo)
(Text with EEA relevance)
(2018/C 403/01)

On 25 October 2018, 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

COUNCIL DECISION
of 6 November 2018
appointing the members of the Scientific and Technical Committee
(2018/C 403/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 134(2) thereof,

After consulting the European Commission,

Whereas:

(1) Article 134(2) of the Treaty, as amended by Article 11 of the Act of Accession of Croatia, provides for the Members of the Scientific and Technical Committee (the 'Committee') to be appointed by the Council in their personal capacity for five years.

(2) By Council Decision 2013/412/Euratom (1), the Council appointed the members of the Committee for the period from 25 July 2013 to 24 July 2018. As the term of office of the members of the Committee has come to an end, new members of the Committee should be appointed.

(3) In order to make full use of the wide range of expertise required to fulfil its tasks, the Committee may, subject to its internal rules, call on alternates to the members to participate in its meetings,

HAS ADOPTED THIS DECISION:

Article 1

The following persons are hereby appointed members of the Scientific and Technical Committee for the period from 6 November 2018 to 6 November 2023:

BENOVA Evgenia
BOURGUIGNON Michel
BRISCOE Frank
D’HAESSELEER William
DIACONU Daniela
DRAKE James Robert
GADÓ János
HIDALGO VERA Carlos
HIZANIDIS Kyriakos
KINNUNEN Petri
KIRM Marco
KLOOSTERMAN Jan Leen

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 6 November 2018.

For the Council

The President

H. LÖGER
The EU list of non-cooperative jurisdictions for tax purposes — Report by the Code of Conduct Group (Business taxation) suggesting amendments to the Annexes of the Council conclusions of 5 December 2017, including the de-listing of one jurisdiction

(2018/C 403/03)

With effect from the day of publication in the Official Journal of the European Union, Annexes I and II of the Council conclusions of 5 December 2017 on the EU list of non-cooperative jurisdictions for tax purposes (1), as amended in January (2), March (3), May (4) and October (5) 2018, are replaced by the following new Annexes I and II:

‘ANNEX I

The EU list of non-cooperative jurisdictions for tax purposes

1. American Samoa

American Samoa does not apply any automatic exchange of financial information, has not signed and ratified, including through the jurisdiction they are dependent on, the OECD Multilateral Convention on Mutual Administrative Assistance as amended, does not apply the BEPS minimum standards and did not commit to addressing these issues by 31 December 2018.

2. Guam

Guam does not apply any automatic exchange of financial information, has not signed and ratified, including through the jurisdiction they are dependent on, the OECD Multilateral Convention on Mutual Administrative Assistance as amended, does not apply the BEPS minimum standards and did not commit to addressing these issues by 31 December 2018.

3. Samoa

Samoa has a harmful preferential tax regime and did not commit to addressing this issue by 31 December 2018.

Samoa’s commitment to comply with criterion 3.1 will be monitored.

4. Trinidad and Tobago

Trinidad and Tobago has not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance in Tax Matters as amended, has a harmful preferential tax regime and did not commit to addressing these issues by 31 December 2018.

Trinidad and Tobago’s commitment to comply with criteria 1.1 and 1.2 will be monitored.

5. US Virgin Islands

US Virgin Islands does not apply any automatic exchange of financial information, has not signed and ratified, including through the jurisdiction they are dependent on, the OECD Multilateral Convention on Mutual Administrative Assistance as amended, has harmful preferential tax regimes and did not clearly commit to amending or abolishing it, does not apply the BEPS minimum standards and did not commit to addressing these issues by 31 December 2018.’

(3) OJ C 100, 16.3.2018, p. 4
ANNEX II

State of play of the cooperation with the EU with respect to commitments taken to implement tax good governance principles

1. Transparency

1.1. Commitment to implement the automatic exchange of information, either by signing the Multilateral Competent Authority Agreement or through bilateral agreements

The following jurisdictions are committed to implement automatic exchange of information by 2018:

Antigua and Barbuda, Curaçao, Dominica, Grenada, Macao SAR, Marshall Islands, New Caledonia, Oman, Palau, Qatar and Taiwan

The following jurisdictions are committed to implement automatic exchange of information by 2019:

Turkey

1.2. Membership of the Global Forum on transparency and exchange of information for tax purposes and satisfactory rating

The following jurisdictions are committed to become member of the Global Forum and/or have a satisfactory rating by 2018:

Anguilla, Curaçao, Marshall Islands, New Caledonia, Oman and Palau

The following jurisdictions are committed to become member of the Global Forum and/or have a sufficient rating by 2019:

Fiji, Jordan, Namibia, Turkey and Vietnam

1.3. Signatory and ratification of the OECD Multilateral Convention on Mutual Administrative Assistance or network of agreements covering all EU Member States

The following jurisdictions are committed to sign and ratify the MAC or to have in place a network of agreements covering all EU Member States by 2018:

Antigua and Barbuda, Dominica, New Caledonia, Oman, Palau, Qatar and Taiwan

The following jurisdictions are committed to sign and ratify the MAC or to have in place a network of agreements covering all EU Member States by 2019:

Armenia, Bosnia and Herzegovina, Botswana, Cabo Verde, Eswatini, Fiji, Former Yugoslav Republic of Macedonia, Jamaica, Jordan, Maldives, Mongolia, Montenegro, Morocco, Namibia, Serbia, Thailand and Vietnam

2. Fair Taxation

2.1. Existence of harmful tax regimes

The following jurisdictions are committed to amend or abolish the identified regimes by 2018:

Andorra, Antigua and Barbuda, Aruba, Barbados, Belize, Botswana, Cabo Verde, Cook Islands, Curacao, Dominica, Fiji, Grenada, Hong Kong SAR, Jordan, Korea (Republic of), Labuan Island, Macao SAR, Malaysia, Maldives, Mauritius, Morocco, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Seychelles, Switzerland, Taiwan, Thailand, Tunisia, Turkey and Uruguay

The following jurisdiction is committed to amend or abolish the identified regimes within 12 months after the day of publication in the Official Journal of the European Union:

Namibia
2.2. Existence of tax regimes that facilitate offshore structures which attract profits without real economic activity

The following jurisdictions are committed to addressing the concerns relating to economic substance by 2018:

Anguilla, Bahamas, Bahrain, Bermuda, British Virgin Islands, Cayman Islands, Guernsey, Isle of Man, Jersey, Marshall Islands, Turks and Caicos Islands, United Arab Emirates and Vanuatu

3. Anti-BEPS Measures

3.1. Membership of the Inclusive Framework on BEPS or implementation of BEPS minimum standards

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard by 2018:

Antigua and Barbuda, Cook Islands, Dominica, Faroe Islands, Greenland, Grenada, Marshall Islands, New Caledonia, Palau, Saint Vincent and the Grenadines, Taiwan and Vanuatu

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard by 2019:

Albania, Armenia, Bosnia and Herzegovina, Cabo Verde, Eswatini, Fiji, Jordan, Montenegro, Morocco and Namibia

The following jurisdictions are committed to become member of the Inclusive Framework or implement BEPS minimum standard if and when such commitment will become relevant:

Nauru, Niue.
## Euro exchange rates

### 8 November 2018

(2018/C 403/04)

1 euro =

<table>
<thead>
<tr>
<th>Currency</th>
<th>Exchange rate</th>
<th>Currency</th>
<th>Exchange rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>USD US dollar</td>
<td>1.1424</td>
<td>CAD Canadian dollar</td>
<td>1.4972</td>
</tr>
<tr>
<td>JPY Japanese yen</td>
<td>129.90</td>
<td>HKD Hong Kong dollar</td>
<td>8.9414</td>
</tr>
<tr>
<td>DKK Danish krone</td>
<td>7.4597</td>
<td>NZD New Zealand dollar</td>
<td>1.6838</td>
</tr>
<tr>
<td>GBP Pound sterling</td>
<td>0.87163</td>
<td>SGD Singapore dollar</td>
<td>1.5663</td>
</tr>
<tr>
<td>SEK Swedish krona</td>
<td>10.2528</td>
<td>KRW South Korean won</td>
<td>1 275.88</td>
</tr>
<tr>
<td>CHF Swiss franc</td>
<td>1.1456</td>
<td>ZAR South African rand</td>
<td>15,9590</td>
</tr>
<tr>
<td>ISK Iceland króna</td>
<td>138.30</td>
<td>CNY Chinese yuan renminbi</td>
<td>7,9192</td>
</tr>
<tr>
<td>NOK Norwegian krone</td>
<td>9.5078</td>
<td>HRK Croatian kuna</td>
<td>7,4315</td>
</tr>
<tr>
<td>BGN Bulgarian lev</td>
<td>1.9538</td>
<td>IDR Indonesian rupiah</td>
<td>16 610.50</td>
</tr>
<tr>
<td>CZK Czech koruna</td>
<td>25.887</td>
<td>MYR Malaysian ringgit</td>
<td>4,7563</td>
</tr>
<tr>
<td>HUF Hungarian forint</td>
<td>321.44</td>
<td>PHP Philippine peso</td>
<td>60,308</td>
</tr>
<tr>
<td>PLN Polish zloty</td>
<td>4.2915</td>
<td>RUB Russian rouble</td>
<td>75,8313</td>
</tr>
<tr>
<td>RON Romanian leu</td>
<td>4.6602</td>
<td>THB Thai baht</td>
<td>37,596</td>
</tr>
<tr>
<td>TRY Turkish lira</td>
<td>6.1926</td>
<td>BRL Brazilian real</td>
<td>4,2622</td>
</tr>
<tr>
<td>AUD Australian dollar</td>
<td>1.5668</td>
<td>MXN Mexican peso</td>
<td>22,6860</td>
</tr>
</tbody>
</table>

Source: reference exchange rate published by the ECB.
COMMISSION DECISION
of 5 November 2018
to replace a member of the REFIT Platform Stakeholder group
(2018/C 403/05)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Commission Decision C(2015)3261 final of 19 May 2015 establishing the REFIT Platform, and in particular Article 4 thereof,

Whereas:

(1) Commission Decision C(2015) 3261 final establishing the REFIT Platform (hereinafter ‘the Platform’) provides in Article 4 that the Platform will comprise a ‘Government group’ and a ‘Stakeholder group’ and that the members of the Stakeholder group shall consist of up to 20 experts, two of them representing the European Economic and Social Committee and the Committee of the Regions and the rest from business, including from SMEs, and from social partners and civil society organisations having direct experience in the application of Union legislation. The experts in the Stakeholder group shall be appointed in their personal capacity or to represent a common interest shared by a number of stakeholders.

(2) The Decision provides in Article 4.4 that the Commission, on a proposal from the First Vice-President of the Commission, shall appoint members of the stakeholder group selected from applicants having direct experience in the application of Union legislation, who have responded to the call for applications. The appointments shall ensure, to the extent possible, a balanced representation of the various sectors, interests and regions of the Union and gender. Article 4.5 of the Decision provides that Members shall be appointed until 31 October 2019. Pursuant to Article 4.6 of the Decision, Members who resign may be replaced for the reminder of their term of office.

(3) Commission Decision C(2015) 9063 final of 16 December 2015 appointing the Members of the Stakeholder group of the REFIT Platform (1) provides that, should any Member of the Stakeholder group cease to be a Member during the term of office of the Platform, the First Vice-President may nominate a replacement from the initial list of candidates who responded to the call for expressions of interest to become Member of the Stakeholder group.

(4) Mr Michael Van Straalen resigned as member of the Stakeholder group as of 28 May 2018.

(5) Dr Frantisek Doktor is on the initial list of candidates who responded to the call for expressions of interest to become member of the Stakeholder group.

HAS DECIDED AS FOLLOWS:

Sole article

Dr Frantisek Doktor is appointed Member of the Stakeholder group of the REFIT Platform until 31 October 2019, in replacement of Mr Van Straalen.

Done at Brussels, 5 November 2018.

For the Commission
Frans TIMMERMANS
Vice-President

## ANNEX

<table>
<thead>
<tr>
<th>Name</th>
<th>Nationality</th>
<th>Representing a common interest shared by stakeholders in a particular policy area</th>
<th>Current employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr Frantisek Doktor</td>
<td>Slovak</td>
<td>YES</td>
<td>ViaEuropa Competence Centre s.r.o</td>
</tr>
</tbody>
</table>
Commission notice amending the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020

(2018/C 403/06)

The European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 (1) are amended as follows, in order to better address certain environmental policy considerations:

(1) point (155) is replaced by the following:

‘As regards investment with preventive objectives in point (143)(e), the maximum aid intensity must not exceed 80 %. However, it may be increased up to 100 % if the investment is carried out collectively by more than one beneficiary or if the objective is to prevent damage caused by protected animals.’.

(2) point (402) is deleted.

(3) point (403) is replaced by the following:

‘The aid and any other payments received to compensate for the damage, including payments under other national or Union measures or insurance policies for the damage receiving aid, must be limited to 100 % of the eligible costs.’.

COURT OF AUDITORS

Special Report No 28/2018

‘The majority of simplification measures brought into Horizon 2020 have made life easier for beneficiaries, but opportunities to improve still exist’

(2018/C 403/07)

The European Court of Auditors hereby informs you that Special Report No 28/2018 ‘The majority of simplification measures brought into Horizon 2020 have made life easier for beneficiaries, but opportunities to improve still exist’ has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors’ website (http://eca.europa.eu).
NOTICES FROM MEMBER STATES

Information communicated by Member States regarding closure of fisheries
(2018/C 403/08)

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

<table>
<thead>
<tr>
<th>Date and time of closure</th>
<th>14.9.2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State</td>
<td>Belgium</td>
</tr>
<tr>
<td>Stock or Group of stocks</td>
<td>SOL/7HJK.</td>
</tr>
<tr>
<td>Species</td>
<td>Common sole (solea solea)</td>
</tr>
<tr>
<td>Zone</td>
<td>7h, 7j and 7k</td>
</tr>
<tr>
<td>Type(s) of fishing vessels</td>
<td>—</td>
</tr>
<tr>
<td>Reference number</td>
<td>19/TQ120</td>
</tr>
</tbody>
</table>


Information communicated by Member States regarding closure of fisheries
(2018/C 403/09)

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

<table>
<thead>
<tr>
<th>Date and time of closure</th>
<th>14.9.2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State</td>
<td>Belgium</td>
</tr>
<tr>
<td>Stock or Group of stocks</td>
<td>HAD/7X7A34</td>
</tr>
<tr>
<td>Species</td>
<td>Haddock (Melanogrammus aeglefinus)</td>
</tr>
<tr>
<td>Zone</td>
<td>7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1</td>
</tr>
<tr>
<td>Type(s) of fishing vessels</td>
<td>—</td>
</tr>
<tr>
<td>Reference number</td>
<td>20/TQ120</td>
</tr>
</tbody>
</table>

Information communicated by Member States regarding closure of fisheries
(2018/C 403/10)

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

<table>
<thead>
<tr>
<th>Date and time of closure</th>
<th>18.9.2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State</td>
<td>Lithuania</td>
</tr>
<tr>
<td>Stock or Group of stocks</td>
<td>CJM/SPRFMO</td>
</tr>
<tr>
<td>Species</td>
<td>Jack mackerel (<em>Trachurus Murphyi</em>)</td>
</tr>
<tr>
<td>Zone</td>
<td>SPRFMO Convention Area</td>
</tr>
<tr>
<td>Type(s) of fishing vessels</td>
<td>—</td>
</tr>
<tr>
<td>Reference number</td>
<td>21/TQ120</td>
</tr>
</tbody>
</table>


Information communicated by Member States regarding closure of fisheries
(2018/C 403/11)

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

<table>
<thead>
<tr>
<th>Date and time of closure</th>
<th>19.9.2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State</td>
<td>Belgium</td>
</tr>
<tr>
<td>Stock or Group of stocks</td>
<td>PLE/7HJK.</td>
</tr>
<tr>
<td>Species</td>
<td>Plaice (<em>Pleuronectes platessa</em>)</td>
</tr>
<tr>
<td>Zone</td>
<td>7h, 7j and 7k</td>
</tr>
<tr>
<td>Type(s) of fishing vessels</td>
<td>—</td>
</tr>
<tr>
<td>Reference number</td>
<td>22/TQ120</td>
</tr>
</tbody>
</table>

Information communicated by Member States regarding closure of fisheries
(2018/C 403/12)

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

<table>
<thead>
<tr>
<th>Date and time of closure</th>
<th>18.9.2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State</td>
<td>The Netherlands</td>
</tr>
<tr>
<td>Stock or Group of stocks</td>
<td>CJM/SPRFMO</td>
</tr>
<tr>
<td>Species</td>
<td>Jack mackerel (<em>Trachurus Murphyi</em>)</td>
</tr>
<tr>
<td>Zone</td>
<td>SPRFMO Convention Area</td>
</tr>
<tr>
<td>Type(s) of fishing vessels</td>
<td>—</td>
</tr>
<tr>
<td>Reference number</td>
<td>23/TQ120</td>
</tr>
</tbody>
</table>


Information communicated by Member States regarding closure of fisheries
(2018/C 403/13)

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

<table>
<thead>
<tr>
<th>Date and time of closure</th>
<th>18.9.2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State</td>
<td>Poland</td>
</tr>
<tr>
<td>Stock or Group of stocks</td>
<td>CJM/SPRFMO</td>
</tr>
<tr>
<td>Species</td>
<td>Jack mackerel (<em>Trachurus Murphyi</em>)</td>
</tr>
<tr>
<td>Zone</td>
<td>SPRFMO Convention Area</td>
</tr>
<tr>
<td>Type(s) of fishing vessels</td>
<td>—</td>
</tr>
<tr>
<td>Reference number</td>
<td>24/TQ120</td>
</tr>
</tbody>
</table>

Information communicated by Member States regarding closure of fisheries  
(2018/C 403/14)

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

<table>
<thead>
<tr>
<th>Date and time of closure</th>
<th>20.9.2018</th>
</tr>
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<tbody>
<tr>
<td>Member State</td>
<td>Germany</td>
</tr>
<tr>
<td>Stock or Group of stocks</td>
<td>CJM/SPRFMO</td>
</tr>
<tr>
<td>Species</td>
<td>Jack mackerel (Trachurus Murphyi)</td>
</tr>
<tr>
<td>Zone</td>
<td>SPRFMO Convention Area</td>
</tr>
<tr>
<td>Type(s) of fishing vessels</td>
<td>—</td>
</tr>
<tr>
<td>Reference number</td>
<td>25/TQ120</td>
</tr>
</tbody>
</table>

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Call for applications 2018
for the ‘Altiero Spinelli Prize for Outreach’
(2018/C 403/15)

For the second consecutive year, the Directorate-General for Education, Youth, Culture and Sport of the European Commission has launched a Call for Applications for a European Union’s ‘Altiero Spinelli Prize for Outreach’.

The aim of the call is to reward outstanding works that enhance the citizens’ understanding of the EU and help broaden the ownership of the European project. In 2018 the Prize focuses on young people.

There will be up to five prizes of 25 000 EUR each.

The call is open to:
— individuals (natural persons) who are EU citizens,
— non-governmental legal entities established and based in an EU Member State.

The call is not open to public authorities.

The deadline for applications is 7 January 2019 at 17.00 CET.

All relevant information and application forms are available at: https://ec.europa.eu/education/resources-and-tools/funding-opportunities/altiero-spinelli-prize-for-outreach-call-for-applications-2018_en
PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Communication from the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.40023 — Cross-border access to pay-TV

(Text with EEA relevance)

(2018/C 403/16)

1. Introduction

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

(2) According to Article 27(4) of the same Regulation, the Commission shall publish a concise summary of the case and the main content of the commitments. Interested parties may submit their observations within the time limit fixed by the Commission.

2. Summary of the case

(3) On 23 July 2015 the Commission adopted a Statement of Objections ('SO') concerning, inter alia, conduct by The Walt Disney Company and The Walt Disney Company Limited (together 'Disney'). The SO also constitutes a preliminary assessment within the meaning of Article 9(1) of Regulation (EC) No 1/2003.

(4) According to the SO, Disney has entered into a licensing agreement with the pay-TV broadcaster, Sky UK Limited, containing a clause that prohibits or limits Sky from making its retail pay-TV services available in response to unsolicited requests from consumers residing and located in the European Economic Area ('EEA') but outside the United Kingdom and Ireland ('the Contested Clause').

(5) The SO reaches the preliminary conclusion that Disney's conduct constitutes an infringement of Article 101 of the TFEU and Article 53 of the Agreement on the European Economic Area ('EEA Agreement') because: (i) the Contested Clause has as its object the restriction of competition within the meaning of Article 101(1) TFEU and Article 53(1) of the EEA Agreement; (ii) there are no circumstances falling within the economic and legal context of the Contested Clause that would justify the finding that it is not liable to impair competition; and (iii) the Contested Clause does not satisfy the conditions for an exemption under Article 101(3) TFEU and Article 53(3) of the EEA Agreement.

(6) The SO also concerns licensing agreements between, on the one hand, Sky, and on the other hand, Paramount, NBCUniversal, Sony, Twentieth Century Fox and Warner Bros, that contain clauses that:

(a) prohibit or limit Sky from making its retail pay-TV services available in response to unsolicited requests from consumers residing or located in the EEA but outside the United Kingdom and Ireland, and/or

(b) require Paramount, NBCUniversal, Sony, Twentieth Century Fox or Warner Bros to prohibit or limit broadcasters located within the EEA but outside the United Kingdom and Ireland from making their retail pay-TV services available in response to unsolicited requests from consumers residing or located in the United Kingdom and Ireland.

(1) OJ L 1, 4.1.2003, p. 1. With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and, respectively, 102 of the TFEU. The two sets of provisions are in substance identical. For the purposes of this notice, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82 of the EC Treaty when applicable.
On 26 July 2016, the European Commission adopted a decision under Article 9(1) of Regulation (EC) No 1/2003 making binding commitments offered by Paramount to meet the concerns expressed to it by the Commission in the SO.

The Commission continues to investigate the compatibility with Article 101 of the TFEU and Article 53 of the EEA Agreement of the conduct of NBCUniversal, Sony, Twentieth Century Fox, Warner Bros and Sky (including the latter’s conduct in relation to the above-mentioned clauses in Sky’s licensing agreements with Paramount and Disney).

3. The main content of the offered commitments

Disney does not agree with the concerns expressed in the SO. It has nevertheless offered commitments pursuant to Article 9 of Regulation (EC) No 1/2003 to meet the Commission’s competition concerns. The commitments concern Disney, its successors and any and all of the current and future subsidiaries over which it exercises positive sole control within the meaning of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (1). The key elements of the commitments would be as follows:

(a) Disney should not enter into, renew or extend a Pay-TV Output License Agreement (2) that, with respect to any territory in the EEA, (re)introduces any ‘Broadcaster Obligation’ or ‘Studio Obligation’. These obligations are defined, respectively, as:

— the Relevant Clauses (3) or equivalent clauses to the extent that they prevent or limit a pay-TV broadcaster from responding to unsolicited requests from consumers residing and located in the EEA but outside of such a broadcaster’s licensed territory (‘Broadcaster Obligation’),

— the Relevant Clauses or equivalent clauses to the extent that they require Disney to prohibit or limit a pay-TV broadcaster located within the EEA but outside a Broadcaster’s licensed territory from responding to unsolicited requests from consumers residing and located inside such a broadcaster’s licensed territory (‘Studio Obligation’);

(b) Disney should not:

— seek to enforce or initiate proceedings before a court or tribunal for the violation of a Broadcaster Obligation and/or Studio Obligation, as applicable, in an existing Pay-TV Output License Agreement, and

— honour any Broadcaster Obligation and/or Studio Obligation, to which it is subject pursuant to any existing Pay-TV Output License Agreement.

Disney’s commitments would cover both linear pay-TV services and, to the extent included in the licence (or separate licence(s)) with a broadcaster, subscription video-on-demand services (for a companion on demand service, if any, included within the customer’s subscription to the relevant pay-TV service operated by such broadcaster).

The duration of the commitments would be five years from the date on which Disney receives formal notification of the Commission’s decision pursuant to Article 9 of Regulation (EC) No 1/2003 or, with respect to future subsidiaries, one month following the closing of the acquisition of full control over that future subsidiary.

(2) ‘Pay-TV Output License Agreement’ is defined as an agreement that licenses to a Broadcaster (as the licensee) a licensor’s future output of defined films on an exclusive basis (and may include other audiovisual content) for a limited period of time during which the Broadcaster may exhibit the films on a Pay-TV basis and, to the extent included in the licence (or separate licence(s)) with such Broadcaster, on an SVOD basis (for a companion on demand service, if any, included within the customer’s subscription to the relevant Pay-TV service operated by such Broadcaster).

(3) ‘Relevant Clauses’ mean clauses in a Pay-TV Output License Agreement (even if not included in the agreement at issue in the SO) that (i) with regard to satellite transmission, stipulate that (a) overspill in territories other than the licensed territory will not be deemed a breach of contract by the Broadcaster provided that the Broadcaster does not knowingly authorise reception outside of the licensed territory, and/or (b) overspill in the licensed territory will not be deemed to be a breach of contract by the studio provided that the studio has not authorised the availability of a third party’s descrambling device necessary for reception of content in the licensed territory; and (ii) with regard to internet transmission, (a) impose an obligation on a Broadcaster to prevent the unauthorized downloading and/or streaming of films (and, if included, other audiovisual content) outside the licensed territory by means of geo-filtering and/or equivalent technology, and/or (b) stipulate that internet ‘overspill’ in a Broadcaster’s licensed territory is not a breach of contract by the studio provided that the studio has required other Broadcaster(s) to use geo-filtering and/or equivalent technology.
(12) The commitments are published in full in English on the website of the Directorate-General for Competition at:

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

4. Invitation to make comments

(13) Subject to market testing, the Commission intends to adopt a decision under Article 9(1) of Regulation (EC) No 1/2003 making binding the commitments, summarised above and published on the internet, on the website of the Directorate-General for Competition.

(14) In accordance with Article 27(4) of Regulation (EC) No 1/2003, the Commission invites interested third parties to submit their observations on the proposed commitments. These observations must reach the Commission not later than one month following the date of this publication. Interested third parties are also asked to submit a non-confidential version of their comments, in which any information they claim to be business secrets and other confidential information should be deleted and replaced as required by a non-confidential summary or by the words ‘business secrets’ or ‘confidential’.

(15) Answers and comments should preferably be reasoned and should set out the relevant facts. If you identify a problem with any part of the proposed commitments, the Commission would also invite you to suggest a possible solution.

(16) Observations can be sent to the Commission under reference number AT.40023 — Cross-border access to pay-TV either by email (COMP-GREFFE-ANTITRUST@ec.europa.eu), by fax (+32 22950128) or by post, to the following address:

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

Corrigendum to Electronic identification schemes notified pursuant to Article 9(1) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

(Official Journal of the European Union C 401 of 7 November 2018)

(2018/C 403/17)

On page 7, in the table, in the entry for Italy, under ‘eID means under the notified scheme’:

for:  ‘— Telecom Italia
       — Trust Technologies S.r.l.’,

read: ‘— Telecom Italia Trust Technologies S.r.l.’.