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(1) Text with EEA relevance.
II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration
(Case M.8960 — Adient/Boeing/JV (Aircraft seats))
(Text with EEA relevance)
(2019/C 24/01)

On 5 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,


Non-opposition to a notified concentration
(Case M.9060 — HP/Apogee)
(Text with EEA relevance)
(2019/C 24/02)

On 22 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,


Non-opposition to a notified concentration
(Case M.9154 — DV4/ABP/OMERS/QIA/Real Estate JV)
(Text with EEA relevance)
(2019/C 24/03)

On 19 December 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,


Non-opposition to a notified concentration
(Case M.9213 — Oyak/Cimpor Portugal)
(Text with EEA relevance)
(2019/C 24/04)

On 9 January 2019, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 (1). The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

— in the merger section of the Competition website of the Commission (http://ec.europa.eu/competition/mergers/cases/). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,

— in electronic form on the EUR-Lex website (http://eur-lex.europa.eu/homepage.html?locale=en) under document number 32019M9213. EUR-Lex is the online access to European law.

IV
(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Council Conclusions on the EU Customs Action Plan to combat IPR infringements for the years 2018 to 2022
(2019/C 24/05)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:
— The EUROPE 2020 strategy on smart, sustainable and inclusive growth (1);
— The Commission Communication on a comprehensive EU strategy concerning intellectual property rights (2);
— Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (4);
— Provisions on mutual administrative assistance in customs matters concluded between the EU and third countries;
— Council Resolution on the EU Customs Action Plan to combat IPR infringements for the years 2013 to 2017 (5);

CONSIDERING
— The Council conclusions on the Progress on the Strategy for the evolution of the Customs Union (6);
— The report on the implementation of the EU Customs Action Plan to combat intellectual Property Right infringements for the years 2013-2017 (7);

(2) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — A Single Market for Intellectual Property Rights — Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe — COM(2011) 287.
(6) OJ C 80, 19.3.2013, p. 11.
(7) Doc. 6494/18.
— The experience gained from the previous EU Action Plans;

AWARE of the economic and reputational damage of IPR infringements to EU businesses and creators, and the profits generated by such illicit activities for organised crime;

CONCERNED BY the risks counterfeit and pirated goods may create for the health and safety of consumers and end-users and to the environment, in addition to the economic and social consequences;

STRESSES the objective to strive for a high level of protection of the EU internal market by means of modern and harmonised approaches to customs controls and of customs cooperation, in particular to avoid trade diversion within the EU;

RECOGNISES the need to provide customs authorities with the necessary tools to successfully address new trends in the international trade of goods infringing intellectual property rights;

ENDORSES the EU Customs Action Plan to combat IPR infringements for the years 2018 to 2022 set out in the Annex, prepared by the Presidency in cooperation with the Member States and the Commission;

INVITES:
— the Member States and the Commission to implement the Action Plan set out in the Annex effectively and efficiently making full use of the tools and the resources available;
— The Commission, in cooperation with Member States:
  — to prepare a roadmap by spring 2019 to facilitate the implementation of the Action Plan,
  — to monitor the implementation of the Action Plan,
  — to submit to the Council annual summary reports on the implementation of the Action Plan,
  — to submit to the Council a final report on the implementation of the Action Plan in 2022.

EU Customs Action Plan to combat IPR infringements for the years 2018-2022

INTRODUCTION
The massive violations of intellectual property rights in the trade of goods are a serious global problem. In 2016, the customs enforcement of IPR in the EU resulted in over 41 million articles detained.

The competitiveness of economies is increasingly based on creativity and innovation. The Europe 2020 Strategy for smart, sustainable and inclusive growth outlines the way forward towards Europe’s economic recovery and growth. Promoting knowledge and innovation is one of the three priorities of that Strategy.

It is essential to improve framework conditions for business to innovate and to reduce the damage to its legitimate interests caused by counterfeiters taking advantage of the investments, efforts and brand reputation of right-holders. The fight against international organisations engaged in fraud and organised crime, often searching for easy gains and economic benefits from the trade in counterfeit and pirated goods, also requires specific attention, as well as the risks that counterfeit and pirated goods may cause to consumers and end-users.
A comprehensive IPR legal framework must be combined with effective enforcement. Business and consumers rely heavily on the responsiveness of enforcement authorities. Customs play a key role in enforcement: once IPR infringing goods have entered the Single market, they are much more difficult to interrupt. Coordinating and planning European customs activities to combat IPR infringements related to cross-border trade is paramount.

**EVALUATION OF THE EU ACTION PLAN 2013-2017**

The outcomes of the implementation of the Action Plan 2013-2017 are reflected in the dedicated report that the Commission services prepared in cooperation with Member States (8).

During the last four years, focus has been put on effectively implementing and monitoring the new EU legislation on customs enforcement of IPR, tackling major trends in trade of IPR infringing goods, tackling trade of IPR infringing goods throughout the international supply chain, and strengthening cooperation with the European Observatory on infringements of IPRs, which is part of the European Union Intellectual Property Office (EUIPO), and with law enforcement authorities.

Member State customs administrations and the Commission have deployed significant efforts and are working proactively to address the challenges associated with the customs enforcement of IPR and curb the influx of IPR infringing goods into the EU.

All means have been employed to make Regulation (EU) No 608/2013 known and used to its full potential by all public and private stakeholders concerned. The support visits have proved particularly useful for experts from different Member States to discuss implementation practices and for the Commission to gather a global implementation picture.

The number of applications for action (AFAs) granted by customs administrations has shown a steady rise (from 26 865 in 2013 to 34 931 in 2017).

Statistics gathered show more than 41 million detained articles in 2016. The estimated value of the equivalent genuine products approached EUR 672 million. Internet sales have boosted the number of cases in postal traffic, which tripled between 2009 and 2011.

Cooperation was reinforced with stakeholders, through and with the EU Observatory, and with third countries. The challenges of the cooperation between enforcement authorities engaged in the fight against IPR infringements have also been addressed and the dialogue established has shown how important it would be to pursue efforts in this regard.

The trafficking of IPR infringing goods remains however a widespread and ever increasing phenomenon. International trade in counterfeit products represents up to 2.5% of world trade, or as much as EUR 338 billion, based on the latest available data from 2013 (9). The impact of counterfeiting is particularly high in the European Union, with counterfeit and pirated products amounting up to 5% of imports, or as much as EUR 85 billion. In a series of sectorial studies, the EUIPO has estimated lost sales in 13 sectors (directly in the industries being analysed and across their associated supply chain), as a result of counterfeiting. These losses totalled more than EUR 100 billion per year (10).

The evaluation of the Action Plan shows the need for further developments in order to ensure effective customs enforcement of IPR throughout the Union, develop IPR risk management tools, and strengthen cooperation between customs authorities and Europol and between customs authorities and police and other enforcement authorities.

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(Mapping_the_Economic_Impact_en.pdf)
WAY FORWARD
Infringements of IPR remain an increasing threat and a difficult challenge to address. Coordination of customs activities having shown its added value to reinforce results, the customs action plan to combat IPR infringements should certainly be re-conducted for the years to come.

On 29 November 2017 a comprehensive package of measures to further improve the application and enforcement of IPRs within the EU Member States, at EU borders and internationally has been adopted by the Commission. The Communication COM (2017)707 from 29 November 2017, entitled ‘A balanced IP enforcement system responding to today’s societal challenges’, which is part of the package, mentions that the Commission will offer a more targeted assistance to national customs authorities, based on the result of the current EU customs Action Plan, and will work with the Council towards a new Action Plan in 2018.

The new Action Plan contains some core elements of previous Action Plans that remain valid and must be further deepened and implemented. The experience gained from the implementation of the 2013-2017 Action Plan also highlights the need for some adjustment to our action, taking account of the resource constraints in administrations. The efforts to be engaged should be clearly defined and linked to indicators allowing measurement of results. The cooperation with the European Observatory on infringements of IPRs, the European Anti-Fraud Office (OLAF) and European enforcement bodies other than customs, in the framework of their respective competences, should be strengthened. The Customs 2020 Programme shall continue like previous programmes to support the implementation of the present Action Plan.

The strategic objectives of this Action Plan are therefore the following:

— Ensuring effective customs enforcement of IPR throughout the Union.

— Tackling major trends in trade of IPR infringing goods.

— Tackling trade of IPR infringing goods throughout the international supply chain.

— Strengthening cooperation with the European Observatory on infringements of IPRs and law enforcement authorities.

The Action Plan will run for the years 2018-2022.

ROADMAP
A roadmap will be prepared by the Commission in cooperation with Member States experts to define the actions and tools to be deployed within an agreed timeframe, taking into account the financial and human resource implications. The agreed roadmap will be made available to the Council in spring 2019.

REVIEW MECHANISM
The Commission in cooperation with the Member States experts, will present yearly summary reports to the Council describing the state of implementation of the Action Plan, on the basis of the roadmap. A more detailed report will be prepared in the final year.

CONCLUSIONS
The EU Customs Action Plan to combat IPR infringements for the years 2018-2022 is attached. As a first step, the Commission will prepare the abovementioned roadmap.
## 1. ENSURING EFFECTIVE CUSTOMS ENFORCEMENT OF IPR THROUGHOUT THE UNION

### Specific objective 1.1.: Tools for proper and efficient implementation of the EU Regulation

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<tr>
<th>Actions</th>
<th>Indicators</th>
<th>Responsible actors</th>
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<tbody>
<tr>
<td>1.1.1. Update the manual for right-holders filing applications for action with the new forms provided by Commission Implementing Regulation (EU) 2018/582 amending Implementing Regulation (EU) No 1352/2013</td>
<td>Updated manual published on websites</td>
<td>Commission &amp; MSs</td>
</tr>
</tbody>
</table>
| 1.1.2. Update the ‘Guidelines on Acceptance and Processing of Applications for Action’ in all EU official languages in order to ensure an enhanced quality of UAFA | Recommendations from the IPR workshop ‘Harmonisation in the application process’ (Munich, 25 and 26 October 2016) are taken into consideration  
Updated guidelines available                                       | Commission & MSs   |
| 1.1.3. Support visit to all MSs by a team composed of IPR experts and the Commission with a view to focus on identified problems and challenges in IPR enforcement by customs to ensure a proper and efficient implementation of the EU Regulation | Visits performed, problems and challenges discussed and advice provided where appropriate  
Detected problems are followed-up and capacity building plans established where necessary  
Regular discussions in the meetings of the Customs expert group Intellectual Property Rights Enforcement Section on the problems and challenges and how they have been tackled | Commission & MSs |

### Specific objective 1.2.: Enhancement of COPIS and exploiting the full functionality of COPIS

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<th>Actions</th>
<th>Indicators</th>
<th>Responsible actors</th>
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<tbody>
<tr>
<td>1.2.1. Making full use of the functionalities of COPIS</td>
<td>Full exploitation of search and reporting functionalities of COPIS</td>
<td>Commission &amp; MSs</td>
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<tr>
<td></td>
<td>Necessary improvements of the functionalities of COPIS are identified and implemented</td>
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</table>
1.2.2. Extend the existing integration between COPIS and EDB with a view to eAFA, where a right-holder will be able to manage an AFA without lodging a paper based request

To ensure an AFA is manageable without paper work at the customs office, there is a need to offer a portal to the right-holders. This portal shall allow them to enter electronically AFA information, but shall also allow the right-holders to update the information or request the extension of the validity of their AFA. To be trusted by the MSs, this electronic exchange of information shall provide the same guarantees to the customs office as the current process which is paper based.

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<tbody>
<tr>
<td>1.2.2. Extend the existing integration between COPIS and EDB with a view to eAFA, where a right-holder will be able to manage an AFA without lodging a paper based request</td>
<td>A system is planned, developed and in place which at least — enables the electronic submission of AFA through EDB (respectively the new IP Enforcement Portal which is under way) to COPIS, including translations of the relevant fields into all of the languages of the applicable countries — enables the electronic submission of extension requests through EDB to COPIS — enables the electronic submission of AFA amendments to an existing AFA through a synchronised exchange of data between EDB and COPIS — provides non-repudiation functionalities the right-holder can optionally enable to ensure that his request is trustable by the authorities</td>
<td>European Observatory on infringements of Intellectual Property Rights in cooperation with Commission &amp; MSs</td>
</tr>
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1.2.3. Exploiting possible synergies between already existing information systems such as COPIS and ACIST and EDB (for the reporting on detentions)

Data storing and exchange of information on detentions is harmonised as much as possible between MSs.

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<tbody>
<tr>
<td>1.2.3. Exploiting possible synergies between already existing information systems such as COPIS and ACIST and EDB (for the reporting on detentions)</td>
<td>A system is planned, developed and in place which enables the exchange of information on detentions between the information systems</td>
<td>European Observatory on infringements of Intellectual Property Rights in cooperation with Commission &amp; MSs</td>
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**Specific objective 1.3.: Engaging right-holders & stakeholders**

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<th>Actions</th>
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<th>Responsible actors</th>
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<tbody>
<tr>
<td>1.3.1. Provision of information on the EU Regulation to right-holders and stakeholders</td>
<td>Information on legal framework in SME Helpdesks</td>
<td>Commission</td>
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<td></td>
<td>Special parts of Trans Atlantic Portal on Customs enforcement up to date</td>
<td></td>
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<td></td>
<td>Information on legal framework in Member States SME support organisations and relevant industrial and intellectual property departments and offices</td>
<td>Commission &amp; MSs</td>
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### Specific objective 1.4.: Annual publication of statistics

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<th>Actions</th>
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<tbody>
<tr>
<td>1.4.1. Publication of a yearly EU report of statistics on customs enforcement of IPR</td>
<td>Yearly reports available in July</td>
<td>Commission</td>
</tr>
<tr>
<td>1.4.2. Exchange of best practices between MSs on publication of yearly national reports and statistics on customs enforcement of IPR</td>
<td>Best practices are available to customs administrations. National reports are produced and published where appropriate.</td>
<td>Commission &amp; MSs</td>
</tr>
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### 2. TACKLING MAJOR TRENDS IN TRADE OF IPR INFRINGING GOODS

#### Specific objective 2.1.: Developing tailor-made approaches for parcel and postal traffic

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<th>Actions</th>
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<tr>
<td>2.1.1. Exchange of best practices on the customs follow-up of internet trade, complementing the activities of the Customs Cooperation Working Party (EU Council) pertaining to the area of customs related internet Crime</td>
<td>Best practices are available to customs administrations in order to strengthen e-commerce enforcement by customs New tools and techniques (e.g., blockchain) should be used where available and appropriate. New legal provisions should be developed where necessary.</td>
<td>Commission &amp; MSs</td>
</tr>
<tr>
<td>2.1.2. Monitoring changes in the framework of the Universal Postal Union (UPU) in the area of e-commerce and making best use of developments made in this area for customs enforcement of IPR</td>
<td>Changes in the framework of the UPU are monitored and brought to the attention of customs administrations. Customs administrations make best use of developments made in the area of e-commerce.</td>
<td>Commission &amp; MSs</td>
</tr>
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## Specific objective 2.2.: Strengthening Customs Risk Management

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<th>Actions</th>
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<th>Responsible actors</th>
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<tr>
<td>2.2.1. Development of a common risk management based control strategy including risk information needs, common risk criteria and standards and implementation of EU priority control actions (PCAs) as appropriate, targeted at detection of IPR infringements for small and large consignments</td>
<td>Detention data, including data exchanged with third countries, is analysed. Criteria and standards are established via the Working Group on Common Risk Management under the Customs 2020 Programme.</td>
<td>Commission with the support of the MSs and the European Observatory on infringements of Intellectual Property Rights</td>
</tr>
<tr>
<td>2.2.2. Regular provision of appropriate IPR risk and customs control information via the Customs Risk Management System (CRMS) and control contact points</td>
<td>CRMS used to exchange risk information on IPR infringements. Regular feedback from MSs on risk and customs control information provided and control results</td>
<td>Commission &amp; MSs</td>
</tr>
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</table>

## 3. TACKLING TRADE OF IPR INFRINGING GOODS THROUGHOUT THE INTERNATIONAL SUPPLY CHAIN

### Specific objective 3.1.: Strengthening cooperation with key source, transit and destination countries

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<th>Actions</th>
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<tr>
<td>3.1.1. Reinforcement of customs cooperation on IPR with third countries, in particular China and Hong Kong</td>
<td>New EU-China Action Plan 2018-2020 implemented Exchange of information on detentions (referrals) with China is extended to nominal data Cooperation activities with Hong Kong implemented and strengthened where necessary</td>
<td>Commission &amp; MSs</td>
</tr>
<tr>
<td>3.1.2. Exchange of information with third countries in compliance with the legal provisions, including on goods in transit/transhipment across the EU</td>
<td>The necessary practical arrangements concerning the exchange of data and information with third countries are properly implemented with a view to eliminating international trade in goods infringing intellectual property rights Mechanisms for the exchange of information are established. Number of information exchanges and number of detention cases on the basis of that information Number of investigation cases opened on the basis of the information exchanged Number of joint customs operations within ASEM focusing on IPR infringements.</td>
<td>Commission &amp; MSs</td>
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</table>
## Specific objective 3.2.: Support capacity building in candidate and neighbouring countries on IPR enforcement

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<th>Actions</th>
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<th>Responsible actors</th>
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<tbody>
<tr>
<td>3.2.1. Provision of technical assistance for capacity building to candidate and neighbouring countries upon request</td>
<td>Pool of experts available</td>
<td>Commission &amp; MSs</td>
</tr>
<tr>
<td>3.2.2. Exchanges of experiences and possible study visits on operational structure, IT and operational solutions applied by Customs in IPR enforcement</td>
<td>Report on best practices in IPR enforcement in the EU and the neighbouring countries</td>
<td>Commission &amp; MSs</td>
</tr>
<tr>
<td>3.2.3. Exchange of officials</td>
<td>Number of exchanges performed</td>
<td>MSs</td>
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<tr>
<td></td>
<td>Reporting to the other MSs and the Commission on the experience gained in the exchanges</td>
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## 4. STRENGTHENING COOPERATION WITH THE EUROPEAN OBSERVATORY ON INFRINGEMENTS OF IPRs, AND LAW ENFORCEMENT AUTHORITIES

### Specific objective 4.1.: Partnership with the European Observatory on infringements of IPRs

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<th>Actions</th>
<th>Indicators</th>
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<tbody>
<tr>
<td>4.1.1. Contribution to the development and implementation as appropriate, of projects by the European Observatory on infringements of Intellectual Property Rights to support institutions and initiatives on IPR enforcement, within the limits of the powers conferred to it by Regulation (EU) No 386/2012, and according to the work plan of the European Observatory, in particular to:</td>
<td>Projects correspond to customs needs</td>
<td>European Observatory on infringements of Intellectual Property Rights in cooperation with Commission &amp; MSs</td>
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<td>— develop systems to gather, analyse and report on the scope and scale of counterfeiting and piracy in the EU and exchange key information</td>
<td>Compatibility and synergies with customs projects</td>
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<td>— building competencies in IP enforcement by delivering specialised training</td>
<td>Availability of tools for spreading knowledge about IPR laws, IP related databases and enforcement support systems</td>
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<td>Public awareness activities including those targeted at consumers</td>
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<tr>
<td>4.1.2. Develop specific training programmes improving the use of the EUIPO Virtual Training Centre (IP VTC) where necessary</td>
<td>Training needs of customs are identified (e.g. transit issues).</td>
<td>European Observatory on infringements of Intellectual Property Rights in cooperation with Commission &amp; MSs</td>
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<tr>
<td></td>
<td>Specific training programmes are developed by IP VTC and trainings are held.</td>
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### Specific objective 4.2.: Improving mutual understanding and cooperation between customs, police and judicial authorities

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<th>Actions</th>
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<tbody>
<tr>
<td>4.2.1. Joint events between representatives of customs administrations, police, judicial authorities and industrial and intellectual property departments and offices</td>
<td>Events organised as appropriate</td>
<td>Commission, European Observatory on infringements of Intellectual Property Rights &amp; MSs</td>
</tr>
<tr>
<td>4.2.2. Raising awareness on the link between unsafe and substandard goods and IPR infringements</td>
<td>Outcome of the ongoing Study of the Observatory is brought to the attention of customs administrations. Customs administrations make use of the information as appropriate.</td>
<td>European Observatory on infringements of Intellectual Property Rights in cooperation with Commission &amp; MSs</td>
</tr>
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### Specific objective 4.3.: Tackling trade of IPR infringing goods throughout the international supply chain

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<th>Responsible actors</th>
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<tbody>
<tr>
<td>4.3.1. Joint actions to reinforce the programme of voluntary cooperation practices by intermediaries based on MoUs</td>
<td>Role of intermediaries is analysed. Events with intermediaries on their role are organised as appropriate, in order to achieve more trust and more transparency.</td>
<td>Commission &amp; European Observatory on infringements of Intellectual Property Rights with the support of the MSs</td>
</tr>
<tr>
<td>4.3.2. Analysis of logistics of goods transported by train on the ‘Silk Road Economic Belt’ with a view to customs controls</td>
<td>Impact of the ‘Silk Road Economic Belt’ on customs controls is available and analysed. Strategies for customs controls in this traffic are developed and implemented as appropriate.</td>
<td>Commission &amp; European Observatory on infringements of Intellectual Property Rights with the support of the MSs</td>
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</tbody>
</table>
Council Conclusions on the Second Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management

(2019/C 24/06)

THE COUNCIL OF THE EUROPEAN UNION,

HAVING EXAMINED:


RECALLING:

— The Communication from the Commission of 21 August 2014 on the EU Strategy and Action Plan for customs risk management: 'Tackling risks, strengthening supply chain security and facilitating trade' (1);

— The Council Conclusions of 4 December 2014 on the EU Strategy and Action Plan for customs risk management: 'Tackling risks, strengthening supply chain security and facilitating trade' (2);

— The European Commission' first ' Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management, published in July 2016' (3);

— the Council Conclusions of 6 December 2016 on the 'Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management' (4);

— the Commission's Communication on 'Developing the EU Customs Union and its Governance' published in 2016 (5);

— the Special Report No 19/2017 of the European Court of Auditors on import procedures (6);

— the Council Conclusions on the renewed European Union Internal Security Strategy 2015-2020 (7) and the European Agenda on Security (8);

— The Decision on Financial Risk Criteria aiming at developing a common EU-wide approach on the way to address financial risks in the EU,

WELCOMES:

— The progress achieved on the implementation of the EU Strategy and Action Plan for customs risk management, both at EU and Member State level as it is reflected in the Second Progress Report;

— The progress achieved so far in terms of strengthening collaboration between all the actors involved and launching new initiatives, in particular, the Commission’s decision on financial risk criteria and the participation of customs administrations in security-related activities);

— The improvement of cooperation between customs and trade, mainly through the strengthening of the AEO concept:

(1) ST 12644/14 + ADD 1.
(2) ST 15403/14.
(3) ST 11415/16 + ADD 1.
(4) ST 12164/16.
(5) ST 15818/16 + COR 1.
(7) ST 9798/15.
(8) ST 8293/15.
— The various initiatives that have been taken to improve customs controls through the exchange of certain customs
information between customs authorities in the EU and third countries and the efforts invested in establishing
a framework for structured exchange of information with third countries;

— The fact that the majority of electronic systems envisaged by the Union Customs Code will be completed by 2020;

— The conditional agreement between the Member States and the Commission in July 2018 on the implementation of
the first block of the ICS 2 IT;

UNDERLINES:
— The strategic objectives and role of customs authorities as gatekeepers of EU borders for the flow of goods, namely
protecting the financial interests of the Union and its Member States, protecting the Union from unfair and illegal trade
while supporting legitimate business activity, ensuring the security and safety of the Union and its residents, and the
protection of the environment, while maintaining a proper balance between customs controls and facilitation of
legitimate trade;

— That risk management is an ongoing process, which is not limited to specific actions with a definitive beginning and
end. Customs authorities must continue to innovate and be prepared to respond to new or emerging threats;

— That by implementing the EU Strategy and Action Plan for customs risk management, the Member States together
with the Commission contribute under EU and national legislation to the implementation of the European Agenda
on Security, and acknowledges that cooperation and coordination with other authorities is also essential;

— The need to create synergies as far as possible and with respect to national legislation between the risk management
of customs and information held by JHA agencies as identified in the report of the High Level Expert Group on
information systems and interoperability (9);

— The need to efficiently continue to implement the EU Strategy and Action Plan for customs risk management in line
with the work plan for electronic systems as mentioned in Article 280 of the Union Customs Code and as foreseen
for the implementation of the Union Customs Code;

NOTES THAT:
— The partnership of customs with trade, together with cooperation with international partners, needs to be further
explored and enhanced in order to promote competitiveness, to ensure supply chain security and to facilitate legitimate
movement of goods and at the same time, apply and implement effective and efficient customs controls;

— Cooperation of law enforcement authorities in interlinking customs controls and risk management on the one hand,
and fraud and crime prevention, detection and investigation measures on the other hand, needs to be constantly
evaluated;

— Some of the electronic systems envisaged by the Union Customs Code systems will be deployed gradually and
depend on financing under the next generation of EU customs funding programmes;

STRESSES:
— The importance of ensuring the respect of fundamental rights when implementing the EU Strategy and Action Plan
for customs risk management;

— The importance of ensuring data protection, as laid down in particular in the General Data Protection Regulation (10);

(9) ST 10151/17, 14 June 2017.
with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General
— The need to deliver the electronic systems as foreseen by the UCC in a timely manner in order to allow customs administrations to manage financial and security risks while facilitating trade;

— The need for the Commission to regularly report to the Council and the Parliament on the progress of the EU Strategy and Action Plan for customs risk management.

RECOMMENDS MEMBER STATES AND THE COMMISSION, each within their respective competence,

— To utilise all available resources, to accelerate the implementation of essential IT systems, in order to meet the objectives of the EU Strategy and Action Plan for customs risk management;

— To pursue the reform of the EU import control system (ICS 2), acknowledging the agreement between the Member States and the Commission in July 2018, on the implementation of the first block of the ICS 2 IT;

— To increase the efficiency and effectiveness of customs controls based on risk analysis, taking into account the recommendations of the special report from the European Court of Auditors published in December 2017;

— To study the possible role of Customs Union Performance (CUP) in the measurement of effectiveness in the risk management area, by exploring the possibility of using, where possible, the same indicators;

— To emphasise customs risk management and the role of customs, based on strengthened multi-agency cooperation at the external border of the EU, as the leading authority for the control of goods and the fight against illegal trade in goods;

— To improve synergies between customs and other law enforcement authorities in the area of organised crime, security and fight against terrorism both at the national and EU level; to enhance cooperation between customs authorities and police (for example through Europol), border guards (for example through Frontex) and tax authorities;

— To further explore the technical, operational and legal aspects of interoperability of the security and border management systems with customs systems;

— To enhance the exchange of information related to risks between Member States and between Member States and third countries, in line with the provisions of the Union Customs Code and the Treaty on the Functioning of the European Union;

— To continue the exchange of experiences and working methods and the identification of common problems, notably at specific borders (air, sea, land) in a streamlined manner;

— To implement the Commission's decision on Financial Risk Criteria, which will enable Member States to address financial risks in an equivalent manner at the external border, thereby avoiding an undue burden on legitimate trade;

— To continue working constantly on enhancing the implementation of the EU AEO Programme and to optimise the AEO concept in line with globally agreed standards;

— To continue developing work on a EU Customs Single Window environment, and studying the role it could have in risk management, keeping in mind the cooperation needed between Member States and between Member States and the Commission;

INVITES THE COMMISSION:

— To develop in close cooperation with the Member States, on the basis of the proposals mentioned in the second progress report, an efficient reporting mechanism to measure the impact of outcomes and results of specific actions deriving from the EU Strategy and Action Plan;

— To ensure that the UCC and its implementing and delegated acts provide sufficient legal basis to communicate and exchange data, risk analysis results, control orders and control results between the Member States involved in the ICS 2 process;
— To continue working on the development of a framework for structured exchange of information with third countries;

— To set up, with the interested Member States, a working group within the Risk Management Strategy Implementation Coordination (RIMSCO) group, which could contribute to defining the indicators that will facilitate the implementation of the EU Strategy and Action Plan;

— To submit a report on the implementation of the EU Strategy and Action Plan for customs risk management to the Council within the two years’ time frame. This report will also assess the need for an updated Strategy.
EUROPEAN COMMISSION

Euro exchange rates (1)
18 January 2019
(2019/C 24/07)

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>1,1402</td>
<td>CAD Canadian dollar</td>
<td>1,5134</td>
</tr>
<tr>
<td>JPY Japanese yen</td>
<td>124,78</td>
<td>HKD Hong Kong dollar</td>
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</tr>
<tr>
<td>DKK Danish krone</td>
<td>7,4649</td>
<td>NZD New Zealand dollar</td>
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<td>GBP Pound sterling</td>
<td>0,88125</td>
<td>SGD Singapore dollar</td>
<td>1,5463</td>
</tr>
<tr>
<td>SEK Swedish krona</td>
<td>10,2515</td>
<td>KRW South Korean won</td>
<td>1 278,73</td>
</tr>
<tr>
<td>CHF Swiss franc</td>
<td>1,1331</td>
<td>ZAR South African rand</td>
<td>15,7187</td>
</tr>
<tr>
<td>ISK Iceland króna</td>
<td>137,80</td>
<td>CNY Chinese yuan renminbi</td>
<td>7,7291</td>
</tr>
<tr>
<td>NOK Norwegian krone</td>
<td>9,7218</td>
<td>HRK Croatian kuna</td>
<td>7,4295</td>
</tr>
<tr>
<td>BGN Bulgarian lev</td>
<td>1,9538</td>
<td>IDR Indonesian rupiah</td>
<td>16 193,18</td>
</tr>
<tr>
<td>CZK Czech koruna</td>
<td>25,580</td>
<td>MYR Malaysian ringgit</td>
<td>4,7024</td>
</tr>
<tr>
<td>HUF Hungarian forint</td>
<td>318,09</td>
<td>PHP Philippine peso</td>
<td>59,983</td>
</tr>
<tr>
<td>PLN Polish zloty</td>
<td>4,2931</td>
<td>RUB Russian rouble</td>
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</tr>
<tr>
<td>RON Romanian leu</td>
<td>4,6993</td>
<td>THB Thai baht</td>
<td>36,161</td>
</tr>
<tr>
<td>TRY Turkish lira</td>
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<td>BRL Brazilian real</td>
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<tr>
<td>AUD Australian dollar</td>
<td>1,5850</td>
<td>MXN Mexican peso</td>
<td>21,7095</td>
</tr>
</tbody>
</table>

(1) Source: reference exchange rate published by the ECB.
Commission notice on current State aid recovery interest rates and reference/discount rates for 28 Member States applicable as from 1 February 2019


(2019/C 24/08)

Base rates calculated in accordance with the Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6.). Depending on the use of the reference rate, the appropriate margins have still to be added as defined in this communication. For the discount rate this means that a margin of 100 basis points has to be added. The Commission Regulation (EC) No 271/2008 of 30 January 2008 amending Regulation (EC) No 794/2004 foresees that, unless otherwise provided for in a specific decision, the recovery rate will also be calculated by adding 100 basis points to the base rate.

Modified rates are indicated in bold.


| From   | To     | AT | BE | BG | CY | CZ | DE | DK | EE | EL | ES | FI | FR | HR | HU | IE | IT | LT | LU | LV | MT | NL | PL | PT | RO | SE | SI | SK | UK |
|--------|--------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1.2.2019 | …     | -0,16 | -0,16 | 0,00 | -0,16 | 1,98 | -0,16 | 0,03 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | 0,28 | 0,56 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | 1,87 | -0,16 | 3,56 | -0,24 | -0,16 | -0,16 | 1,09 |
| 1.1.2019 | 31.1.2019 | -0,16 | -0,16 | 0,00 | -0,16 | 1,98 | -0,16 | 0,02 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | -0,16 | 1,87 | -0,16 | 3,56 | -0,31 | -0,16 | -0,16 | 1,09 |
PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case M.9230 — Allianz/DIF/InfraRed Capital Partners/Daiwater)
Candidate case for simplified procedure
(Text with EEA relevance)
(2019/C 24/09)

1. On 10 January 2019, 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 Infrastructure Luxembourg I S.A.R.L. (‘Allianz’, Luxembourg), controlled by Allianz SE (Germany),
— DIF Tamblin Limited (‘DIF Shareholder’, England and Wales), controlled by DIF Management Holding BV (‘DIF’ the Netherlands),

Allianz, DIF Shareholder and InfraRed Shareholder acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, joint control over the whole of Daiwater.

The concentration is accomplished by way of contract or any other means.

2. The business activities of the undertakings concerned are:
— Allianz SE is the parent company of the Allianz Group which is a global financial services group active in insurance and asset management,
— DIF is an independent fund management company,
— InfraRed is an investment manager focused on infrastructure and real estate,
— Daiwater is the holding company of Affinity Water Limited (‘AWL’) and Affinity for Business (Retail) Limited (‘AfB’).

The principal activities of these entities relate to the provision of water supply and, in the case of AfB only, sewage systems as well.

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.9230 — Allianz/DIF/Infrared Capital Partners/Daiwater 

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.9197 — Hanon Systems / Magna International (Rotor business))
Candidate case for simplified procedure
(Text with EEA relevance)
(2019/C 24/10)

1. On 14 January 2019, 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:
— Hanon Systems (‘Hanon’) (South Korea), controlled by Hahn & Co. LLC (‘Hahn & Co’) (South Korea),
— Magna International Inc. (‘Magna’) (Canada) Rotor business.

Hanon acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of part of Magna’s fluid pressure and controls business (‘Rotor’).

The concentration is accomplished by way of purchase of shares and assets.

2. The business activities of the undertakings concerned are:
— Hanon is mainly engaged in the manufacture and supply of automotive thermal management systems worldwide (also known as climate control systems). Hahn & Co is a private equity investment firm,
— Rotor provides car manufacturers (original equipment manufacturers (‘OEMs’)) with cooling and pump technology to support OEM emission reduction and thermal management needs. Magna is a global automotive manufacturer.

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.9197 — Hanon Systems / Magna International (Rotor business)

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
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