Preparatory acts

European Central Bank


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(Preparatory acts)

EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK

of 7 December 2018

on an amended proposal for a regulation of the European Parliament and of the Council amending
Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking
Authority) and related legal acts

(CON/2018/55)

(2019/C 37/01)

Introduction and legal basis

On 11 October and 14 November 2018 the European Central Bank (ECB) received requests from the European Parliament and from the Council of the European Union, respectively, for an opinion on an amended proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority); Regulation (EU) No 1094/2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority); Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority); Regulation (EU) No 345/2013 on European venture capital funds; Regulation (EU) No 346/2013 on European social entrepreneurship funds; Regulation (EU) No 600/2014 on markets in financial instruments; Regulation (EU) 2015/760 on European long-term investment funds; Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds; Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market; and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (1) (hereinafter the ‘amended proposal’).

On 23 November 2017 the Council of the European Union and the European Parliament consulted the ECB on the original legislative proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) and related legal acts (2) and received an opinion adopted by the ECB on 11 April 2018 (3). The amended proposal contains new elements for which the European Parliament has re-consulted the ECB.

The ECB’s competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union since the proposed regulation contains provisions affecting the contribution of the European System of Central Banks (ESCB) to the smooth conduct of policies relating to the prudential supervision of credit institutions and the stability of the financial system, as referred to in Article 127(5) of the Treaty, and the specific tasks conferred on the ECB concerning the prudential supervision of credit institutions in accordance with Article 127(6) of the Treaty. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

1. General observations

1.1. The amended proposal intends to reinforce the mandate of the European Banking Authority (EBA) in the prevention of the use of the financial system for the purpose of money laundering (ML) and terrorism financing (TF), in order to strengthen confidence in the Banking and Capital Market Unions. The ECB fully supports this goal. The amended proposal will contribute to better identification of ML/TF risks at Union level, and to enhancing and harmonising supervisory practices across the Union.

(2) COM(2017) 536 final.
1.2. The task of supervising credit institutions in relation to the prevention of the use of the financial system for the purpose of ML or TF (anti-money laundering and countering the financing of terrorism (AML/CFT) supervision) has not been conferred on the ECB. However, the outcomes of the AML/CFT supervision are important to consider for the discharge of the ECB’s tasks concerning the prudential supervision of credit institutions under Article 127(6) of the Treaty and the Council Regulation (EU) No 1024/2013 (\(^\ast\)). In particular, the risk of the use of the financial system for ML or TF is relevant for ECB prudential supervisory decisions concerning acquisitions of qualifying holdings in supervised entities (including regarding the process of granting authorisations to credit institutions) and fit and proper assessments of existing or prospective managers of supervised entities, as well as for day-to-day supervision in the context of the supervisory review and evaluation process. Serious breaches of AML/CFT requirements can negatively affect the reputation of a credit institution and lead to significant administrative or criminal sanctions imposed on supervised entities or their staff, and can thus pose a risk for the viability of supervised entities. In certain cases, serious breaches of AML/CFT requirements can directly trigger a need for a credit institution’s authorisation to be withdrawn. It is therefore of utmost importance that the ECB, as well as other prudential supervisors, receive from AML/CFT supervisors timely and reliable information about ML/TF risks and breaches of AML/CFT requirements by supervised entities.

1.3. The Union legal framework for the prevention of the use of the financial system for the purposes of ML or TF has been updated in recent years by several legislative acts (\(^\ast\)) on which the ECB has provided its opinion. The ECB strongly supports a Union regime which ensures that Member States and Union resident institutions have effective tools in the fight against ML and TF, in particular against any misuse of the financial system by money launderers and financiers of terrorism and their accomplices (\(^\ast\)).

1.4. Since the ECB has already opined, in Opinion CON/2018/19, on the original legislative proposal, the ECB will focus only on the new elements contained in the amended proposal.

2. Specific observations

2.1. Information to be collected by the EBA

2.1.1. Under the amended proposal, the EBA would have the task of collecting information from competent authorities relating to weaknesses identified in the processes and procedures, governance arrangements, fit and proper assessments, business models and activities of financial sector operators to prevent ML and TF as well as measures taken by competent authorities (\(^\ast\)). The precise information that needs to be reported to the EBA is not clear. For example, it is not clear how a weakness in a business model to prevent ML and TF should be understood. Furthermore, the amended proposal does not contain any qualification of the weaknesses that should be reported, which implies that even very minor weaknesses would need to be reported. It is suggested that the regulation should: (a) clarify that this new reporting requirement captures any material weaknesses that increase the risk that the financial system could be used for ML or TF; and (b) require the EBA to develop guidance for competent authorities as to what constitutes such material weaknesses. Further, the regulation should specify any additional elements or processes that might be necessary for the efficient functioning of the information exchange procedure. In addition, ML/TF risks relevant for the EBA’s new role can be identified in supervisory procedures other than those already listed in the amended proposal, such as in granting authorisations or assessments of acquisitions of qualifying holdings in financial market operators. It is suggested to extend the information collected by the EBA to include this type of information.

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\(^{\ast\ast\ast\ast}\) See ECB Opinion CON/2013/32.

\(^{\ast\ast\ast\ast\ast}\) Proposed new Article 9a(1)(a) of Regulation (EU) No 1093/2010.
2.1.2. The amended proposal should further clarify that reporting to the EBA and the subsequent dissemination of information by the EBA does not replace the direct exchange of information among competent authorities. Introducing the EBA as an intermediary in all information exchanges would put a lot of pressure on the EBA’s resources, while not necessarily improving the efficiency of the information exchange.

2.1.3. Where information or documents about material weaknesses are shared between several competent authorities, multiple reporting of the same material weakness by all competent authorities should be avoided. The amended proposal should thus stipulate that only the competent authority that originally collected the information or produced the document should report to the EBA.

2.1.4. To limit the additional burden on competent authorities that this new reporting to the EBA will cause, competent authorities should only be required to report information that they have not shared with the EBA through other channels. For example, where the EBA participates in colleges of supervisors and receives information about a relevant material weakness through those colleges, competent authorities should not be required to report it again to the EBA. The EBA should thus utilise already existing information channels to the extent possible. In this respect, the agreement on the practical modalities for exchange of information that is to be concluded by 10 January 2019 under Article 57a(2) of Directive (EU) 2015/849 of the European Parliament and of the Council (9) between the ECB and the AML/CFT supervisors of all the Member States will be a significant channel for the exchange of information about relevant breaches of AML/CFT and prudential requirements. The EBA should be granted direct access to the information that is exchanged under this agreement. Direct access would be the most efficient way to ensure timely sharing of the relevant information with the EBA. Such a set-up would allow the EBA to receive information without additional delays, while eliminating the need for the competent authorities that are parties to this agreement to report the same information to the EBA.

2.1.5. For situations where dedicated reports to the EBA will be necessary, it is suggested that the EBA should also develop guidelines, including templates to facilitate reporting.

2.1.6. It is not clear what the EBA should be coordinating with the Financial Intelligence Units (FIUs) under the last sentence of the newly proposed Article 9a(1)(a) in connection with the provision of information to the EBA. It is also not clear whether or how this coordination relates to the collection of information that is regulated in that draft provision. The amended proposal should be further clarified to this end. If the coordination with FIUs relates to the collection of information from prudential supervisors, including the ECB, the amended proposal should specify the rules regarding the FIUs’ access to the information that the competent authorities provide to the EBA. If the coordination with FIUs does not relate to the EBA’s collection of information, the requirement for coordination between the EBA and the FIUs should be moved to another provision.

2.1.7. Based on practical experience with the newly proposed data collection and dissemination procedure described above, it seems appropriate to review this procedure within the regular report prepared by the Commission under Article 81 of Regulation (EU) No 1093/2010. Such a review would verify the efficiency of the procedure and assess whether any changes should be made.

2.2. Promoting convergence of supervisory processes and risk assessments on competent authorities

2.2.1. Under the amended proposal, the EBA would have to conduct periodic reviews referred to in the Directive (EU) 2015/849, including by conducting periodic reviews (9). The ECB understands that these supervisory processes only concern AML/CFT supervisors and not prudential supervisors. This fact should be explicitly clarified in the amended proposal.

2.2.2. Under the amended proposal, the EBA would have to conduct periodic reviews referred to in the Directive (EU) 2015/849, including by conducting periodic reviews (9). The ECB understands that these supervisory processes only concern AML/CFT supervisors and not prudential supervisors. This fact should be explicitly clarified in the amended proposal.

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(9) Proposed new Article 9a(3) of Regulation (EU) No 1093/2010.

(9) Proposed new Article 9a(4) of Regulation (EU) No 1093/2010.
refers only to the ‘most important emerging risks’. Thus, the risk assessments seem to be already incorporated into the periodic reviews. The amended proposal should therefore be rephrased to more clearly distinguish the risk assessments from the periodic reviews. At the same time, the notion of the ‘most important emerging risks’ should be further clarified.

2.3. Facilitating cooperation with relevant authorities in third countries

Under the amended proposal, the EBA would have a leading role in facilitating cooperation between competent authorities in the Union and the relevant authorities in third countries in material cases of ML or TF having a cross-border dimension involving third countries (11). The ECB welcomes any support from the EBA that helps competent authorities interact more efficiently with relevant authorities in third countries. The ECB believes, however, that the EBA’s coordination should not replace any direct contacts that competent authorities may need to have with relevant authorities in third countries. Where the direct cooperation of those authorities can work well, it does not seem efficient to add an additional level of coordination through the EBA. Introducing the EBA as an additional authority where there is direct cooperation between a competent authority and a relevant authority of a third country could also be problematic from a legal point of view if the competent authority and the relevant authority in a third country cooperate with each other on the basis of a memorandum of understanding to which the EBA is not a party. The amended proposal should therefore grant the EBA the power to assist the competent authorities in cooperating with relevant authorities in third countries where relevant. However, the amended proposal does not need to require the EBA to automatically assume a leading role in facilitating such cooperation. In addition the concept of ‘material breaches’ should be further specified, so that it is clear in which situations the requirement for EBA support would be triggered. To this end, it seems necessary to specify the criteria that the EBA or national competent authorities should follow in identifying such cases. Additionally, the procedures for interaction between the EBA and national competent authorities in the identification, reporting and treatment of these cases should be set out. It is therefore suggested that the EBA should issue guidelines specifying all the necessary elements and processes necessary for the efficient functioning of this procedure.

Where the ECB recommends that the proposed regulation is amended, specific drafting proposals are set out in a separate technical working document accompanied by an explanatory text to this effect. The technical working document is available in English on the ECB’s website.

Done at Frankfurt am Main, 7 December 2018.

The President of the ECB
Mario DRAGHI

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates (1)
29 January 2019
(2019/C 37/02)

1 euro =

<table>
<thead>
<tr>
<th>Currency</th>
<th>Exchange rate</th>
<th>Currency</th>
<th>Exchange rate</th>
</tr>
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<tr>
<td>USD US dollar</td>
<td>1,1422</td>
<td>CAD Canadian dollar</td>
<td>1,5142</td>
</tr>
<tr>
<td>JPY Japanese yen</td>
<td>125,03</td>
<td>HKD Hong Kong dollar</td>
<td>8,9620</td>
</tr>
<tr>
<td>DKK Danish krone</td>
<td>7,4650</td>
<td>NZD New Zealand dollar</td>
<td>1,6694</td>
</tr>
<tr>
<td>GBP Pound sterling</td>
<td>0,86735</td>
<td>SGD Singapore dollar</td>
<td>1,5444</td>
</tr>
<tr>
<td>SEK Swedish krona</td>
<td>10,3508</td>
<td>KRW South Korean won</td>
<td>1,277,32</td>
</tr>
<tr>
<td>CHF Swiss franc</td>
<td>1,1352</td>
<td>ZAR South African rand</td>
<td>15,5560</td>
</tr>
<tr>
<td>ISK Iceland króna</td>
<td>136,80</td>
<td>CNY Chinese yuan renminbi</td>
<td>7,6927</td>
</tr>
<tr>
<td>NOK Norwegian krone</td>
<td>9,7035</td>
<td>HRK Croatian kuna</td>
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</tr>
<tr>
<td>BGN Bulgarian lev</td>
<td>1,9558</td>
<td>IDR Indonesian rupiah</td>
<td>16 093,60</td>
</tr>
<tr>
<td>CZK Czech koruna</td>
<td>25,747</td>
<td>MYR Malaysian ringgit</td>
<td>4,6931</td>
</tr>
<tr>
<td>HUF Hungarian forint</td>
<td>317,21</td>
<td>PHP Philippine peso</td>
<td>59,947</td>
</tr>
<tr>
<td>PLN Polish zloty</td>
<td>4,2976</td>
<td>RUB Russian rouble</td>
<td>75,6887</td>
</tr>
<tr>
<td>RON Romanian leu</td>
<td>4,7562</td>
<td>THB Thai baht</td>
<td>35,991</td>
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<td>TRY Turkish lira</td>
<td>6,0665</td>
<td>BRL Brazilian real</td>
<td>4,2735</td>
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<tr>
<td>AUD Australian dollar</td>
<td>1,5954</td>
<td>MXN Mexican peso</td>
<td>21,7153</td>
</tr>
</tbody>
</table>

(1) Source: reference exchange rate published by the ECB.
**NOTICES FROM MEMBER STATES**

**List of approved facilities for the treatment of foods and food ingredients with ionising radiation in the Member States**


*(This text cancels and replaces the text published in the Official Journal of the European Union C 405 of 4 November 2016, p. 6)*

(2019/C 37/03)

<table>
<thead>
<tr>
<th>Member State</th>
<th>Approved irradiation facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source, Reference No, Name, Address</td>
<td>Further details of approval</td>
</tr>
<tr>
<td><strong>AT</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>BE</strong></td>
<td>Source: $^{60}$Co-gamma irradiation Reference No: 2110/91/0004 Sterigenics SA Zoning industriel 6220 Fleurus BELGIQUE/BELGIË Approval for food in accordance with Art 7(2) of Directive 1999/2/EC.</td>
</tr>
<tr>
<td><strong>BG</strong></td>
<td>Source: $^{60}$Co-gamma irradiation (a) Reference No: 1/23.5.2008 Bulgamma, Sopharma Ltd Illienko Shosse 16 Sofia BULGARIA (b) Reference No: 2/26.10.2010 GITAVA Ltd ‘Kalina’ Town of Stamboliyski Hristo Botev str.-prolongation Municipality Stamboliyski Plovdiv district BULGARIA Approval for dried aromatic herbs and spices and dried vegetable seasoning in accordance with Art 7(2) of Directive 1999/2/EC.</td>
</tr>
<tr>
<td><strong>CY</strong></td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Member State</th>
<th>Approved irradiation facilities</th>
</tr>
</thead>
</table>
| **CZ**     | Source: $^{60}$Co-gamma irradiation  
Reference No: IR-02-CZ  
Bioster a.s.  
Tejny 621  
664 71 Veverská Bítýška  
ČESKÁ REPUBLIKA |
|             | Approval for dried aromatic herbs, spices, seasoning in accordance with Article 7(2) of Directive 1999/2/EC. |
| **DE**     | Source: $^{60}$Co-gamma irradiation  
(a) Reference No: SN 01  
Synergy Health Radeberg GmbH  
Juri-Gagarin-Str. 15  
D-01454 Radeberg  
DEUTSCHLAND  
(b) Reference No: BY FS 01/2001  
Synergy Health Allershausen GmbH  
Kesselbodenstr. 7  
85391 Allershausen  
DEUTSCHLAND  
(c) Reference No: NRW-GM 01  
BGS Beta-Gamma-Service GmbH & Co. KG  
Fritz-Kotz-Str. 16  
51674 Wiehl  
DEUTSCHLAND  
Source: accelerated electron irradiation  
(a) Reference No: D-BW-X-01  
Beta-Gamma-Service GmbH & Co. KG  
John-Deere-Str. 3  
76646 Bruchsal  
DEUTSCHLAND  
(b) Reference No: NRW-GM 02  
BGS Beta-Gamma-Service GmbH & Co. KG  
Fritz-Kotz-Str. 16  
51674 Wiehl  
DEUTSCHLAND |
|             | Approval for dried aromatic herbs, spices, seasoning in accordance with Article 7(2) of Directive 1999/2/EC. |
| **DK**     | None |
| **EE**     | Source: $^{60}$Co-gamma irradiation  
Reference No: 2835  
Scandinavian Clinics Estonia OÜ  
Kurvi tee 406a, Alliku küla  
76403 Saue vald, Harjumaa  
EESTI/ESTONIA |
<p>|             | Approval for dried aromatic herbs, spices, seasoning in accordance with Article 7(2) of Directive 1999/2/EC. |</p>
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<tr>
<th>Member State</th>
<th>Approved irradiation facilities</th>
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<td><strong>ES</strong></td>
<td>Source: accelerated electron irradiation</td>
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<tr>
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<td>Reference No: 5.00001/CU</td>
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<td>Ionmed Esterilización, SA. C/Rocinante, Parc.50 (Polg. Ind. Taracón) 16400 Taracón (Cuenca) ESPAÑA</td>
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<td>Source: $^{60}$Co-gamma irradiation</td>
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<tr>
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<td>Reference No: 5.00002/B</td>
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<tr>
<td></td>
<td>ARAGOGAMMA S.L. Carretera Granollers a Cardedeu, Km. 3.5 08520 Les Franqueses del Vallés (Barcelona) ESPAÑA</td>
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<td><strong>FI</strong></td>
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<tr>
<td><strong>FR</strong></td>
<td>Source: $^{60}$Co-gamma irradiation</td>
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<tr>
<td></td>
<td>(a) Reference No: 13 055 F</td>
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<tr>
<td></td>
<td>Synergy Health Rue Jean Queillau, Marché des Arnavaux 13014 Marseille Cedex 14 FRANCE</td>
</tr>
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<td>(b) Reference No: 72 264 F</td>
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<td>Ionisos SA Zone industrielle de l’Aubrée 72300 Sablé-sur-Sarthe FRANCE</td>
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| **HR** | Source: $^{60}$Co-gamma irradiation  
Reference No: 541-02/03-IRB16-1  
Institut Ruder Bošković  
Bijenička 54  
10 000 Zagreb  
HRVATSKA  
Authorised for: Aromatic herbs, spices and vegetable seasoning according to Article 7(2) od Directive 1999/2/EC |
| **HU** | Source: $^{60}$Co-gamma irradiation  
Reference No: EU-AIF 04-2002  
AGROSTER Besugárzó  
Zártkörűen Működő Részvénytársaság  
Budapest  
Jászberényi út 5  
1106  
MAGYARORSZÁG/HUNGARY  
Approval in accordance with Article 7(2) of Directive 1999/2/EC |
| **IE** | None |
| **IT** | Source: $^{60}$Co-gamma irradiation  
Reference No: RAD 1/04 IT  
Gammarad Italia SPA  
Via Marzabotto 4  
Minerbio (BO)  
ITALIA  
Approval in accordance with Article 7(2) of Directive 1999/2/EC |
| **LU** | None |
| **LT** | None |
| **LV** | None |
| **MT** | None |
| **NL** | Source: $^{60}$Co-gamma irradiation  
(a) Reference No: GZB/VVB-991393 Ede, VWS dossier 368959  
Synergy Health  
Morsestraat 3  
6716 AH Ede  
NEDERLAND  
(b) Reference No: GZB/VVB-991393 Etten-Leur, VWS dossier 368959  
Synergy Health  
Soevereinstraat 2  
4879 NN Etten-Leur  
NEDERLAND  
Approval for treatment of dried fruits, pulses, dehydrated vegetables, flakes from cereals, herbs, spices, shrimps, poultry, frog legs, gum arabic and egg products in accordance with Art 7 (2) of Directive 1999/2/EC |
<table>
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<tr>
<th>Member State</th>
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<td><strong>Source, Reference No, Name, Address</strong></td>
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| **PL** | Source: accelerated electron irradiation  
Reference No: GIS-BŻ-PR-022-279/16/3-1  
Instytut Chemii I Techniki Jądrowej  
ul. Dorodna 16  
03-195 Warszawa  
POLSKA/POLAND  
| Approval for treatment of potatoes, onion, garlic, mushrooms, dried spices (including dried aromatic herbs, spices and vegetable seasonings), dried mushrooms, dried vegetables |
| **PT** | None |
| **RO** | Source: $^{60}$Co-gamma irradiation  
Instalaţie de iradiere cu scopuri multiple  
Departamentul de iraderi tehnologice IRASM  
Institutul naţional de cercetare-dezvoltare pentru fizică şi inginerie nucleara – Horia Hulubei  
Str. Atomiştilor nr. 407  
Căsuţa poştală MG-6  
Măgurele, județul Ilfov  
ROMÂNIA  
| Approval in accordance with Art 7(2) of Directive 1999/2/EC |
| **SE** | None |
| **SI** | None |
| **SK** | None |
| **UK** | Source: $^{60}$Co-gamma irradiation  
Reference No: EW/04  
Synergy Health  
Moray Road  
Elgin Industrial Estate  
Swindon  
Wiltshire  
SN2 8XS  
UNITED KINGDOM  
| Approval for certain herbs and spices in accordance with Art 7(2) of Directive 1999/2/EC |
Announcement of United Kingdom 31st Supplementary Offshore Oil and Gas Licensing Round

OIL AND GAS AUTHORITY

The Petroleum Act 1998

Offshore Licensing Round

1. The Oil and Gas Authority (the OGA) invites interested persons to apply for Seaward Production Licences in respect of certain acreage on the United Kingdom Continental Shelf.

2. Full details of the offer, including lists and maps of the acreage on offer and guidance about licences, the terms which those licences will include, and how to apply, are available on the OGA website (see below).

3. All applications will be determined where applicable in accordance with the terms of the Hydrocarbons Licensing Directive Regulations 1995 (S.I. 1995 No 1434), the Petroleum Licensing (Applications) Regulations 2015 (SI 2015 No 766) and the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015 (SI 2015 No 385). The Secretary of State’s functions in this regard were transferred to the Oil and Gas Authority on 1 October 2016 by virtue of The Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016 (http://www.legislation.gov.uk/uksi/2016/912/pdfs/uksi_20160912_en.pdf), which provided that anything done (or having effect as if done) by or in relation to the Secretary of State in connection with such transferred functions now has effect, so far as is necessary for continuing its effect after the 1 October 2016, as if done by or in relation to the Oil and Gas Authority. Determinations will be made against a background of the continuing need for expeditious, thorough, efficient and safe exploration to identify the United Kingdom’s oil and gas resources with due regard to environmental considerations.

‘Innovate’ Framework

4. Licence applications will be considered in light of an innovative approach being taken for Initial Term Work Programmes (‘Work Programmes’) for licences. These Work Programmes will incorporate a flexible combination of up to three Phases (A, B and C) in the Initial Term. This will help to ensure Work Programmes for the block(s) that are being applied for are appropriate to the geotechnical and other challenges that must be addressed in an area, whilst optimising the factors listed in Paragraph 3. The flexibility afforded by the combination of up to three phases also enables applicants to design a Work Programme which is appropriate for their own particular plans and requirements.

5. Phase A of the Work Programme comprises a period in which Geotechnical Studies and Geophysical Data Reprocessing will be undertaken; Phase B of the Work Programme will be a period in which New Seismic data will be Shot; Phase C of the Work Programme will be for exploratory and/or appraisal drilling. Applicants may decide the Phase combination, whether all three Phases, straight to Phase B followed by Phase C, straight to Phase C, or Phase A direct to Phase C.

6. Phase A and Phase B are not mandatory and may not be appropriate in particular circumstances, but every application must propose a Phase C, except where the applicant doesn’t think any exploration is needed and proposes to go straight to development (i.e. ‘straight to Second Term’). Where that is the case, Applications should be made in accordance with the guidance available on the OGA website.

7. Licences awarded in this round can have an Initial Term of up to a maximum of 9 years duration. The licence duration and phasing will require justification in the context of the proposed work programme, and will be the subject of discussion at the time of Application.

8. Applications where the starting Phase is Phase A or B will be judged on the basis of the following criteria:

   (a) The financial viability of the applicant;

   (b) The technical capability of the applicant which will be assessed in part as demonstrated by the quality of analysis related to the block;
(c) The way in which the applicant proposes to carry out the activities that would be permitted under the licence, including the quality of the Work Programme submitted for evaluating the full potential of the area applied for;

(d) Safety and environmental capability. Under the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015, all prospective offshore licensees, i.e. including all partners within an applicant group, must provide information relating to their safety and environmental capability in support of the licence application. Further guidance in relation to all the safety and environmental requirements can be found at http://www.hse.gov.uk/osdr/assets/docs/appendix-c.pdf; and

(e) Where the applicant holds or has held a licence granted under or treated as having been granted under the Petroleum Act 1998, any lack of efficiency and responsibility displayed by the applicant in operations under that licence.

9. Licences with a Phase B will specify a time period so the licence will expire at the end of this phase if the Licensee has not satisfied the OGA of its technical and financial capability to complete the Work Programme. For licences with a Phase A but no Phase B, the licence will also specify a period so the licence will expire at the end of this phase if the Licensee has not satisfied the OGA of its technical and financial capability to complete the Work Programme.

10. Applications where the starting Phase is Phase C will be judged on the basis of the following criteria:

(a) The financial viability of the applicant and its financial capacity to carry out the activities that would be permitted under the licence during the Initial Term including the Work Programme submitted for evaluating the full potential of the area within the block;

(b) The technical capability of the proposed operator to supervise operations and in particular drilling operations

(c) The way in which the applicant proposes to carry out the activities that would be permitted under the licence, including the quality of the Work Programme submitted for evaluating the full potential of the area applied for;

(d) Safety and environmental capability. Under the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015, all prospective offshore licensees, i.e. including all partners within an applicant group, must provide information relating to their safety and environmental capability in support of the licence application. Further guidance in relation to all the safety and environmental requirements can be found at http://www.hse.gov.uk/osdr/assets/docs/appendix-c.pdf; and

(e) Where the applicant holds or has held a licence granted under or treated as having been granted under the Petroleum Act 1998, any lack of efficiency and responsibility displayed by the applicant in operations under that licence.

Guidance

11. Further guidance can be viewed on the OGA website: https://www.ogauthority.co.uk/licensing-consents/licensing-rounds/

Licence Offers

12. Unless an Appropriate Assessment in relation to a particular Block is required (see Para. 15 below), any offer by the Oil and Gas Authority of a licence pursuant to this invitation, will be made within eighteen months of the date of this Notice.

13. The Oil and Gas Authority accepts no liability for any costs incurred by the applicant in considering or making its application.

Environmental Assessments

14. The Secretary of State has conducted a Strategic Environmental Assessment (SEA) pursuant to Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment of all of the areas to be offered in this Round. The findings of that SEA can be found at the gov.uk offshore energy SEA website:

15. Licences pursuant to this invitation will only be offered if, in accordance with the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora):

(a) the activities to be carried out under the licence are not likely to have a significant effect on the management of a Special Area of Conservation (SAC) or Special Protection Area (SPA); or if

(b) an Appropriate Assessment has ascertained that the activities will have no adverse effects on the integrity of such SACs or SPAs; or

(c) in a case where the activities are assessed as likely to cause such adverse effects, subject to

   (i) there being imperative reasons of overriding public interest for awarding the licence,

   (ii) the taking of appropriate compensatory measures; and

   (iii) there being no alternative solutions.

16. Contact:

Ricki Kiff
Oil and Gas Authority
21 Bloomsbury Street
London WC1B 3HF
UNITED KINGDOM
Tel. +44 3000671637

The Oil and Gas Authority website: https://www.ogauthority.co.uk/licensing-consents/licensing-rounds/
Prior notification of a concentration
(Case M.9224 — Brookfield Asset Management/Johnson Controls Power Solutions Business)

Candidate case for simplified procedure
(Text with EEA relevance)
(2019/C 37/05)

1. On 16 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:
— Brookfield Asset Management Inc. (‘Brookfield’, Canada),
— Johnson Controls International plc (Johnson Controls’, Ireland)

Brookfield acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of part of Johnson Controls.

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

2. The business activities of the undertakings concerned are:
— Brookfield is an alternative asset manager with a focus on real estate, renewable power, infrastructure and private equity.
— The target, currently a business unit of Johnson Controls, is engaged in the business of low voltage energy storage products using lead-acid and lithium-ion technologies primarily for use with passenger vehicles, trucks and other motive applications.

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.9224 — Brookfield Asset Management/Johnson Controls Power Solutions 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
Fax +32 22964301
Postal address:
European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIE
Prior notification of a concentration
(Case M.9269 — ENGIE/BPCE/ENGIE PV Curbans)
Candidate case for simplified procedure
(Text with EEA relevance)
(2019/C 37/06)

1. On 24 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:
   — Engie S.A. ('Engie', France),
   — Mirova Eurofideme 4 (France), belonging to the Banque Populaire Caisse d'Epargne Group ('BPCE', France),
   — ENGIE PV Curbans ('The Target', France).
Engie and BPCE acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the Target. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
   — Engie is an industrial company active in the fields of gas, electricity and energy services. It is active throughout the entire energy-value chain.
   — BPCE is a French financial institution mainly active in financial services and banking.
   — The Target holds a photovoltaic plant and is active in the generation and wholesale of electricity in France.

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.9269 — ENGIE/BPCE/ENGIE PV Curbans

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.9246 — Daikin Industries/Cool International Holding)
Candidate case for simplified procedure
(Text with EEA relevance)
(2019/C 37/07)

1. On 16 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:
— Daikin Europe N.V. (Belgium), controlled by Daikin Industries, Ltd (Japan),
— Cool International Holding GmbH (Austria).

Daikin Europe N.V. acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Cool International Holding GmbH.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
— Daikin Europe N.V. manufactures and supplies heating, ventilation and air-conditioning equipment, including heat pumps and refrigeration equipment,
— Cool International Holding GmbH manufactures, through its subsidiaries forming the AHT Group, plug-in display cases for food manufacturers and food retailers.

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.9246 — Daikin Industries/Cool International Holding

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
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