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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

OPINIONS

COMMISSION

COMMISSION OPINION

of 8 December 2009

relating to the plan to modify the disposal of radioactive waste arising from the CABRI facility, established on the Cadarache site in France, in accordance with Article 37 of the Euratom Treaty

(Only the French text is authentic)

(2009/C 301/01)

On 13 July 2009, the European Commission received from the French Government, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan to modify the disposal of radioactive waste arising from the CABRI facility, established on the Cadarache site in France.

On the basis of these data and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance between the CABRI facility and the nearest point of another Member State, in this case Italy and Spain, amounts to 110 km and 230 km respectively.
2. The planned modification will involve an increase of the authorised discharge limits for gaseous tritium and for noble gases.
3. During normal operating conditions, the planned modification will not cause an exposure liable to affect the health of the population in another Member State.
4. Solid radioactive waste will temporarily be stored on site before being transferred to a disposal facility authorised by the French Government.
5. In the event of unplanned releases of radioactive effluents which may follow an accident of the type and magnitude considered in the General Data, the doses received in another Member State will not be liable to affect the health of the population.

In conclusion, the Commission is of the opinion that the implementation of the plan to modify the disposal of radioactive waste from the CABRI facility established on the Cadarache site in France, both in normal operation and in the event of an accident of the type and magnitude considered in the General Data, is not liable to result in radioactive contamination of the water, soil or airspace of another Member State.

Done at Brussels, 8 December 2009.

For the Commission

Andris PIEBALGS

Member of the Commission

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Non-opposition to a notified concentration**(Case COMP/M.5679 — Boreas Holdings/Centrica Renewable Energy Limited/Glid Wind Farms)****(Text with EEA relevance)**

(2009/C 301/02)

On 4 December 2009, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. 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/en/index.htm>) under document number 32009M5679. EUR-Lex is the on-line access to the European law.

Non-opposition to a notified concentration**(Case COMP/M.5642 — SGGF/TRAKYA/SGGE)****(Text with EEA relevance)**

(2009/C 301/03)

On 3 December 2009, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. 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/en/index.htm>) under document number 32009M5642. EUR-Lex is the on-line access to the European law.
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Non-opposition to a notified concentration
(Case COMP/M.5667 — ACE/FTQ/FSI/Mecachrome)

(Text with EEA relevance)

(2009/C 301/04)

On 3 December 2009, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in French and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32009M5667. EUR-Lex is the on-line access to the European law.

Non-opposition to a notified concentration
(Case COMP/M.5715 — Leisure Park Holdings/Criteria Caixa Corp/Activos Port Aventura)

(Text with EEA relevance)

(2009/C 301/05)

On 2 December 2009, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. 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/en/index.htm>) under document number 32009M5715. EUR-Lex is the on-line access to the European law.

Non-opposition to a notified concentration**(Case COMP/M.5558 — Nutreco/Cargill)****(Text with EEA relevance)**

(2009/C 301/06)

On 24 November 2009, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. 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/en/index.htm>) under document number 32009M5558. EUR-Lex is the on-line access to the European law.
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COUNCIL

Council conclusions of 26 November 2009 on the education of children with a migrant background

(2009/C 301/07)

THE COUNCIL OF THE EUROPEAN UNION,

HAVING REGARD to

Council Directive 77/486/EEC on the education of the children of migrant workers from EU countries, which requires Member States to offer such children free tuition, including the teaching of the official language or one of the official languages of the host State, as well as to take appropriate measures to promote, in cooperation with States of origin, the teaching of the mother tongue and culture of the country of origin ⁽¹⁾;

the conclusions of the Council and the Representatives of the Governments of the Member States on the establishment of common basic principles for immigrant integration policy in the European Union ⁽²⁾, one of which is that efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society;

Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning, which includes support for projects relating to intercultural education and the integration of migrant pupils;

the conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on efficiency and equity in education and training ⁽³⁾, which invited Member States to ensure equitable education and training systems that are aimed at providing opportunities, access, treatment and outcomes that are independent of socio-economic background and other factors which may lead to educational disadvantage;

the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning, which highlights the importance of social and civic competences and of cultural awareness, as well as recommends that appropriate provision is made for those who due to educational disadvantages need particular support to fulfil their educational potential ⁽⁴⁾;

the European Council conclusions of 13 and 14 March 2008, which urged Member States to take concrete action to improve the achievement levels of learners with a migrant background ⁽⁵⁾;

the European Pact on Immigration and Asylum, which invited Member States to establish ambitious policies to promote the harmonious integration into their countries of immigrants, including specific measures to promote language learning ⁽⁶⁾;

the conclusions of the Council and the Representatives of the Governments of the Member States on integration policies in the European Union ⁽⁷⁾, which included a call for the development of educational measures adapted to the needs of children with a migrant background and aimed at preventing school failure;

the conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 21 November 2008 on preparing young people for the 21st century: an agenda for European cooperation on schools ⁽⁸⁾, which invited Member States to ensure access to high quality educational opportunities and services, particularly for children and young people who may be disadvantaged by personal, social, cultural and/or economic circumstances,

⁽¹⁾ OJ L 199, 6.8.1977, p. 32.

⁽²⁾ Doc. 16238/1/04 REV 1.

⁽³⁾ OJ C 298, 8.12.2006, p. 3.

⁽⁴⁾ OJ L 394, 30.12.2006, p. 10.

⁽⁵⁾ 7652/08, paragraph 15, p. 10.

⁽⁶⁾ Doc. 13440/08.

⁽⁷⁾ Doc. 15251/08.

⁽⁸⁾ OJ C 319, 13.12.2008, p. 20.

WELCOMING

the European Commission's Green Paper entitled 'Migration and Mobility: challenges and opportunities for EU education systems', and its associated report on the consultation process conducted during the second half of 2008 ⁽¹⁾,

and NOTING that

for the purpose of these conclusions — the primary focus of which is on schools — the term 'with a migrant background' will be used particularly to describe the children of all persons living in an EU country where they were not born, irrespective of whether they are third-country nationals, citizens of another EU Member State or subsequently became nationals of the host Member State,

RECOGNISES that:

1. For generations migration has made a considerable contribution to European socio-economic development, and will continue to do so in the future. In today's context of increasing globalisation and demographic change, the successful integration of migrants into society remains a precondition for Europe's economic competitiveness and for social stability and cohesion.
2. Education has a key role to play not only in ensuring that children with a migrant background can fulfil their potential to become well-integrated and successful citizens, but also in creating a society which is equitable, inclusive and respectful of diversity. Yet many such children continue to fare less well in terms of educational outcomes, and issues relating to racial and ethnic discrimination and to social exclusion are to be found in all parts of the European Union. The presence of significant numbers of learners with migrant backgrounds in many Member States thus presents a number of challenges — but also valuable opportunities — for their education systems.
3. Integrating migrants is a collective endeavour requiring efforts on the part of the migrants themselves, and involving many different sectors of society in addition to the education sector. Cross-sectoral policy cooperation between, amongst others, relevant government departments, educational authorities, social services, healthcare services, housing authorities and asylum and immigration services, as well as dialogue with civil society, are essential to ensure an adequate level of support for children with a migrant background and their families.
4. While large numbers of children with a migrant background succeed in education, and indeed some are amongst the

highest achievers, there is clear and consistent evidence from both national indicators and international studies such as PISA ⁽²⁾ that the educational attainment of most migrant pupils tends to be significantly lower than that of their peers. This results in a greater incidence among such pupils of early school-leaving, lower levels of qualification and smaller numbers in higher education. Offering children with a migrant background a better chance of educational success can reduce marginalisation, exclusion and alienation.

5. Of particular concern is the situation of those for whom linguistic and cultural differences between home and school are combined with poor socio-economic circumstances. In such cases, the difficulties associated with low socio-economic status can be compounded by factors such as language barriers, low expectations, insufficient family and community support and a lack of suitable role models.
6. Such disadvantages — coupled with a lack of permeability within school systems and with quality differences between schools — may lead to a situation in which large numbers of children with a migrant background are clustered together in underperforming schools. Trends of this kind present school systems in the European Union with serious challenges, making it harder to attain high levels of achievement for all and a high degree of social cohesion.
7. Whilst the responsibility for setting education policies remains firmly a matter for individual Member States, the issues raised and challenges outlined in these conclusions are increasingly widely shared. There is thus clear potential for further support, research and cooperation at European level, using relevant Community programmes such as the Lifelong Learning Programme and the European Integration Fund, and using tools such as the open method of coordination in order to exchange good practice and promote mutual learning about policies and measures aimed at addressing educational disadvantage among children with a migrant background,

CONSIDERS that:

1. Education has an important contribution to make to the successful integration of migrants into European societies. Starting with early childhood education and basic schooling, but continuing throughout all levels of lifelong learning, targeted measures and greater flexibility are needed to cater for learners with a migrant background, whatever their age, and to provide them with the support and opportunities they need to become active and successful citizens, and empower them to develop their full potential. These measures should be delivered in a coordinated manner with policies in other fields addressing the needs of children with a migrant background and their families.

⁽¹⁾ Respectively doc. 11631/09 + ADD 1, and doc. 12594/09.

⁽²⁾ The OECD Programme for International Student Assessment.

2. Education systems which place a strong emphasis on both equity and quality, which work towards clear and common objectives and which favour inclusive approaches at all levels are likely to prove the most effective in responding to the particular needs of pupils with a migrant background, improving their educational performance whilst at the same time fostering social ties between them and their peers.
3. Cultural diversity in our societies should be welcomed as a source of vitality and enrichment. Whilst in no way weakening the primary focus on the cultural identity, core values and fundamental rights of the host country, promoting intercultural education in Europe's schools with a view to exchanging knowledge and deepening understanding of one another's cultures, as well as building mutual respect and combating prejudice will provide lasting benefits for all.
4. Approaches such as setting up or strengthening anti-discrimination mechanisms, increasing the permeability of pathways within school systems and removing barriers to individual progression through the system can help to combat segregation and contribute to higher achievement levels for migrant learners. Offering more personalised learning and individual support can benefit all pupils in the system and lead to higher quality for all. Raising the quality of provision in underperforming schools can improve opportunities for all pupils, including migrants.
5. Specialised training in managing linguistic and cultural diversity, and the development of intercultural competences, should be encouraged in order to support school authorities, school leaders, teachers and administrative staff in adapting to the needs, and realising the full potential, of schools or classes containing pupils with a migrant background. Consideration should also be given to issues such as how to make teaching methods, materials and curricula relevant to all pupils, irrespective of their origins, how to continue to attract and keep the best teachers in underperforming schools, how to strengthen the leadership function in such contexts, as well as how — in accordance with national procedures — to increase the number of teachers who themselves have migrant backgrounds.
6. The process of integration can be facilitated through the development of partnerships with local communities, including the families of pupils with a migrant background and migrant associations, thereby contributing to the development of schools as learning communities. By building a climate of mutual understanding, trust and cooperation, partnerships of this kind can contribute in a variety of ways, such as providing assistance with interpretation, serving as an interface — in some cases mediating — between schools and the community concerned, and developing positive links with the heritage culture and language. In this context, the provision of instruction in the host-country language(s) for the parents of pupils with a migrant background, as well as information sessions, can make a significant contribution to improving communication between schools and families and thus enhancing the conditions for successful social integration.
7. Proficiency in the official language (or one of the official languages) of the host country is a prerequisite for educational success and is key to both social and professional integration. Member States should consider developing specific provisions to support this, such as intensive language tuition for newly arrived pupils with a migrant background, additional support for those experiencing difficulties, and special courses to equip all teachers with the competence to teach children whose mother tongue is different to the language of instruction. Adapted provision within the curriculum — for instance, reinforced teaching of the host country language for pupils whose mother tongue is different — should also be supported.
8. Although the primary focus should remain on the host language(s), encouraging pupils to acquire or maintain knowledge of their heritage language can bring benefits at several levels: socially in terms of cultural identity and personal self-confidence, professionally in terms of future employability, but also educationally in terms of future learning. While resources for such learning may be limited, scope for it may be increased in various ways, for instance by means of bilateral agreements with the countries concerned and collaborative partnerships with the relevant local communities, or by making use of new technologies, for instance, to establish internet contacts or develop *e-twinning* initiatives.
9. As well as laying the foundations for later schooling, early childhood education can play a crucial role in integrating children with a migrant background, particularly by placing a strong focus on language development. Efforts should therefore be stepped up to ensure that socially disadvantaged families have adequate access to quality childcare and pre-school facilities.
10. Targeted support — such as extra teaching resources for schools in disadvantaged areas and the provision of more personalised instruction — can be used to counterbalance educational disadvantage and the negative effects of insufficient integration. Consideration should also be given to ways of providing additional educational support, for instance in the form of mentoring and tutoring, the provision of guidance to both pupils and parents on the opportunities available to them within the education system, or the organisation of learning and homework centres after regular classes in partnership with parent and community associations. Flexible arrangements are required for newly arrived migrants, particularly with regard to language learning. In this respect, there is a need not only for rapid and targeted intervention shortly after arrival in the host country, but also for sustained programmes of language support,

ACCORDINGLY INVITES THE MEMBER STATES to:

1. Take appropriate measures at their required level of responsibility — local, regional or national with a view to ensuring that all children are offered fair and equal opportunities, as well as the necessary support to develop their full potential, irrespective of background. In particular, these measures may include:

- developing an integrated policy approach for the achievement of these objectives,
- setting up, or strengthening, anti-discrimination mechanisms, with the aim of promoting social integration and active citizenship,
- increasing the permeability of education pathways and removing barriers within school systems,
- improving the quality of provision in schools and reducing differences between them, including through efforts to attract and keep the best teachers and to strengthen the leadership function in underperforming schools,
- increasing access to high quality early childhood education and care,
- offering more personalised learning and individual support, particularly for the children of migrants who have low educational attainment levels,
- providing specialised training in managing linguistic and cultural diversity, as well as in intercultural competences, for school leaders, teachers and administrative staff,
- developing adequate policies for teaching the host country language, as well as considering possibilities for pupils with a migrant background to maintain and develop their mother tongue,
- ensuring that curricula are of high quality and relevant to all pupils, irrespective of their origins, and taking into account the needs of children with a migrant background in teaching methods and materials,
- developing partnerships with migrant communities and stepping up efforts aimed at improving communication with parents with a migrant background,
- providing targeted support for pupils with a migrant background who also have special needs,

— collecting and analysing data in this area, with a view to informing policy-making,

— exchanging good practice in this field, with a view to improving policies and measures at the appropriate level.

2. Develop, within the context of the new strategic framework for European cooperation in education and training ('ET 2020'), and using the open method of coordination, mutual learning on best practices for the education of learners with a migrant background.

3. Make targeted use of the Lifelong Learning Programme, the European Social Fund and other resources such as the European Integration Fund, in order to develop and support projects relating to intercultural education and the education of learners with a migrant background,

INVITES THE COMMISSION to:

1. Facilitate and support cooperation among the Member States on the issues raised in these conclusions, including by identifying, exchanging, compiling and ensuring the effective dissemination of experience and good practice in the areas outlined above, and through the use of existing Community programmes.

2. Consider how, and by what means, the objectives of Council Directive 77/486/EEC can best be achieved in a context of migration which has changed significantly since its adoption.

3. Monitor the achievement gap between native learners and learners with a migrant background, using existing data and indicators.

4. Cooperate closely with other international organisations working on issues relating to education and migration, such as the Council of Europe, UNESCO and the OECD ⁽¹⁾.

5. Ensure that migration-related issues are adequately reflected in the Lifelong Learning Programme and other relevant Community programmes, the adult learning action plan and the Copenhagen process, as well as in other initiatives in the field of education and training, including higher education.

6. Ensure that issues relating to the education of children with a migrant background are adequately reflected in the social protection and social inclusion process.

⁽¹⁾ The right of participation of all Member States in such work should be ensured.

Council conclusions of 27 November 2009 on promoting a Creative Generation: developing the creativity and innovative capacity of children and young people through cultural expression and access to culture

(2009/C 301/08)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING the political background to this issue as set out in Annex to these conclusions.

AWARE:

— of the long-term challenges facing the European Union and its citizens, in particular:

— the need to remain globally competitive in a sustainable and socially inclusive manner;

— the impact on employment and welfare provision, resulting from an ageing population and ongoing migration flows;

— the need to promote intercultural dialogue, based on an appreciation of cultural diversity in an increasingly multicultural and interconnected world characterised by rapid communication, mobility of people and globalisation of markets;

— the need to respond to the emerging knowledge and communication society, which is characterised by constantly evolving communication technologies and rapid exchange of information and the need to bridge the 'digital divide' in and between EU Member States.

CONSIDERS that:

— a successful response to these long-term challenges calls for a long-term perspective which focuses on developing the creativity and innovative potential of children and young people and equipping them with the skills and competences to face these challenges.

POINTS OUT that:

— there is growing demand for creativity, innovation, adaptability and advanced communication skills in the workforce and a need to develop flexible and evolving entrepreneurial skills;

— access and exposure to diverse cultural expressions, artistic practices and works of art from an early age is important for personal development, identity, self-esteem and an individual's sense of belonging, and for equipping children and young people with intercultural competences and other skills important for social inclusion, active citizenship and future employability;

— participation in cultural activities, including direct contact with artists, can boost the creative and innovative potential of all children and young people through stimulating creative thinking, imagination and self expression;

— promoting culture and cultural expressions in schools and other education institutions as well as in non-formal learning environments, both as specific subjects and as attractive learning approaches linking different fields of knowledge, contributes to the full development of the individual, to motivation and improved learning and to the development of creativity and capacity for innovation.

— the so-called 'born digital' generation in Europe are both cultural creators and consumers who, when given the opportunity, are highly adept at exploiting the potential of new media and digital technologies;

— access to culture and cultural heritage generally, and in particular the means to create and experience culture, are not available equally to all children and young people and the current economic downturn may further limit access opportunities to culture for children and young people.

IDENTIFIES, WITH DUE REGARD TO THE PRINCIPLE OF SUBSIDIARITY, THE FOLLOWING SIX PRIORITIES WITH A VIEW TO PROMOTING A CREATIVE GENERATION IN THE EUROPEAN UNION:

1. Include a 'Children and Young People' perspective in relevant policies to promote culture

Member States and the Commission should:

(i) address the specific needs of children and young people, including young culture professionals, in current and future policies, programmes and actions, particularly in the culture and media fields, with a focus on initiatives aimed at stimulating their potential for creativity.

(ii) further develop partnerships between the culture sector and other policy sectors aiming at stimulating innovation (e.g. education and research, youth, employment and social affairs, enterprise, economic growth and sustainable development), making full use of existing structures and programmes where relevant.

2. Optimise the potential of the education sector to enhance the promotion of creativity through culture and cultural expression

Member States should:

- (i) promote wider access to culture and cultural expressions through both formal and non-formal education, in particular through structured and strategic partnerships at institutional and policy level. The focus should be on stimulating children's and young people's creativity and capacity for innovation and developing intercultural competences and other key competences for life long learning, such as cultural awareness and expression.
- (ii) encourage this process through, for example, specialised training and further education for teachers and others working in the education, culture and youth sectors. This process could also be accomplished through the use of modern learning methods and tools, including those based on Information and Communication Technologies (ICTs) and through an increased emphasis in schools on areas such as arts education and cultural awareness. Youth work can also include a variety 'of out-of-school' activities for the promotion of culture and creativity.

3. Encourage and support cultural institutions (e.g. museums, libraries, galleries, theatres) to better engage with children and young people

Member States should:

- (i) encourage the efforts of cultural institutions at all levels to engage more fully with children and young people and to facilitate access to publicly owned cultural contents, for example through digitisation programmes and educational activities, including the use of ICTs, as well as through interactive solutions actively involving children and young people.

Member States and the Commission should:

- (ii) continue to support the development of Europeana and promote the exchange of experience between Member States on their respective policies concerning digitisation of and public access to cultural content, in particular with a view to reaching children and young people.

4. Promote talent and creativity through culture as part of social inclusion strategies catering for children and young people

Member States and the Commission should:

- (i) promote the inherent talent of all children and young people and develop creativity by incorporating culture within social inclusion strategies and programmes which cater for children and young people with fewer opportunities, including those with disabilities.

5. Promote better access to culture through the use of ICTs for all children and young people

Member States should:

- (i) continue their efforts to promote better access at reasonable cost to culture and cultural expressions through the use of ICTs. Such efforts should aim to reach all children and young people and to equip them with the communication and media literacy skills needed to take full advantage of the opportunities provided by digital technology, while promoting greater awareness and understanding of intellectual property and privacy rights and responsibilities.

6. Facilitate the exchange of good practices and develop an 'evidence base' of knowledge in this field

In order to promote the development of evidence-based policies in this field:

Member States and the Commission should:

- (i) encourage and facilitate the exchange of examples of good practices in relation to the above mentioned priorities, through existing structures, in particular the open method of coordination (OMC) in the field of culture.

The Commission should:

- (ii) encourage and facilitate peer learning and exchange of good practices through existing structures, such as civil society platforms and internal interservice mechanisms.

Member States should:

- (iii) stimulate networking and the use of evaluations to better support decision making and improve future actions.

CALLS ON MEMBER STATES AND THE COMMISSION:

Within their respective spheres of competence to work together to ensure that these conclusions are acted upon in the context of ongoing work on the European Agenda for Culture and the Work Plan for Culture 2008-2010.

ANNEX

POLITICAL CONTEXT

In adopting these conclusions, the Council recalls in particular the following:

1. the UN Convention on the Rights of the Child (1989) which establishes all children's right to culture;
2. the Unesco Road Map for Arts Education, Lisbon, 6-9 March 2006;
3. the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning;
4. the Commission's Communication of 10 May 2007 on a European Agenda for Culture in a Globalizing World and the Council Resolution of 16 November 2007 on a European Agenda for Culture, as well as the Conclusions of the Council on the Work Plan for Culture 2008-2010, which included among the five priority areas for action the promotion of access to culture, in particular through synergies with education, especially arts education;
5. the European Parliament and Council Decision of 16 December 2008 on the European Year of Creativity and Innovation;
6. the Council conclusions of 24 May 2007 on the contribution of the cultural and creative sectors to the achievement of the Lisbon objectives, which point out that cultural activities and creative industries play a critical role in boosting innovation and technology and are key engines of sustainable growth in the future;
7. the Council Resolution of 15 November 2007 on new skills for new jobs and the Communication Renewed Social Agenda: Opportunities, access and solidarity in 21st century Europe, adopted by the Commission on 2 July 2008, which identified children and young people as tomorrow's future among its priorities;
8. the Presidency conclusions of the European Council of 13 and 14 March 2008, which recognised that a key factor for future growth was the full development of the potential for innovation and creativity of European citizens built on European culture and excellence in science;
9. the Council conclusions of 22 May 2008 on Intercultural Competences;
10. the Commission's Communication of 27 April 2009 'An EU Strategy for Youth Investing and Empowering. A renewed open method of coordination to address youth challenges and opportunities', and the Council Resolution of 27 November 2009 adopting a renewed framework for European cooperation in the youth field (2010-2018).

Studies and conferences

1. The study on the Impact of Culture on Creativity and the study on Access of Young People to Culture, both commissioned by the European Commission.
 2. The Eurydice study on Arts and Cultural Education at School in Europe (2009).
 3. Study on the Contribution of Multilingualism to Creativity (16 July 2009).
 4. Study to produce an inventory of best practises linking culture with education in the Member States, candidate countries and the EEA countries (2004).
 5. The Conference on Promoting a Creative Generation held in Göteborg on 29 and 30 July 2009.
-

Council conclusions of 27 November 2009 on media literacy in the digital environment

(2009/C 301/09)

THE COUNCIL,

REAFFIRMS the policy approach to this issue set out in its conclusions on a European approach to media literacy in the digital environment of 21 and 22 May 2008 ⁽¹⁾,

WELCOMES the Commission Recommendation of 20 August 2009 on media literacy in the digital environment for a more competitive audiovisual and content industry and an inclusive knowledge society, and in particular:

- the focus put on the active involvement of the industry, including all types of media, in the promotion of media literacy initiatives,
- the recognition of the role that the education system can play to promote media literacy — the ability to access media and to understand, critically evaluate, create and communicate media content — in the context of Member States' lifelong learning strategies,
- the Commission's intentions to encourage greater consensus on media literacy, to support the analysis and exchange of good practices between Member States and to develop tools intended to help Member States and the Commission measure levels of media literacy across Europe,

STRESSES THE FOLLOWING ADDITIONAL CONSIDERATIONS:

- In the promotion of media literacy, it is crucial to recognise that the digital revolution has brought about significant benefits and opportunities, enriching the lives of individuals, in terms of their ability to communicate, learn and create, and transforming the organisation of society and the economy. The responsible and informed use of new technologies and new media requires citizens to be aware of risks and to respect relevant legal provisions, but media literacy policies should address such questions in the context of a generally positive message.
- While it is indeed true that the media industry has a crucial role in work to promote media literacy, it is important to underline the independence of the media and the fact that Member States have differing approaches in promoting the development of good practices and standards in the media industry, where self-regulation or co-regulation are two among several possible solutions. It is also important to take into account the many initiatives in the area of media literacy already being carried out by the media industry as well as by cultural institutions, non-governmental organisations and by the voluntary sector, and to further promote these initiatives.

— In the promotion of media literacy, particular attention should be paid to the fact that different groups in society may have different needs and behaviors, as well as differing possibilities to access media. For example, children and young people often have a natural readiness to use new media and to exploit new technologies, whilst adults may have greater accumulated experience that can benefit critical thinking about media content. Strategies for improving media literacy must take all such differences fully into account and promote communication between different groups and interests in society. At the same time strategies for making technologies widely available and accessible to citizens should continue to be stressed and reinforced by Member States.

— The education system, including formal, informal and non-formal learning, can play an important role in developing and improving media literacy, as well as creativity and the potential for innovation, among all people in society, and notably children and young people who themselves can play an important role in passing on these skills to their families. In the context of education policy, it is recalled that the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning includes inter alia references to 'digital competence' and 'cultural awareness and expression' as two key competences. Member States developing media literacy in an educational context should do so with due regard to the reference framework established by the 2006 Recommendation. Furthermore, the Lifelong Learning Programme could be one possible source of support for the promotion of media literacy.

— Although it is true that media literacy is a dynamic and evolving concept and that common understanding of the concept is affected by cultural, technological, industrial and generational differences, it is also clear that, with the development of a global internet as a key part of the communications infrastructure, the citizens of Europe and of the rest of the world are increasingly facing and living in a media landscape with similar features. This should make it possible and meaningful to progressively develop criteria to assess the levels of media literacy in Member States as implied by Article 26 of the Audiovisual Media Services Directive, while also taking into account that such criteria and assessments need to reflect the different preconditions in Member States. The Member States and the Commission are encouraged to cooperate fully in this task,

INVITES THE COMMISSION AND THE MEMBER STATES, within the limits of their respective competences, to take due note of these conclusions, in addition to those of 21 and 22 May 2008, in the development of their policies on media literacy.

⁽¹⁾ OJ C 140, 6.6.2008, p. 8.

COMMISSION

Euro exchange rates ⁽¹⁾

10 December 2009

(2009/C 301/10)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,4730	AUD	Australian dollar	1,6074
JPY	Japanese yen	130,03	CAD	Canadian dollar	1,5472
DKK	Danish krone	7,4417	HKD	Hong Kong dollar	11,4168
GBP	Pound sterling	0,90430	NZD	New Zealand dollar	2,0236
SEK	Swedish krona	10,4367	SGD	Singapore dollar	2,0473
CHF	Swiss franc	1,5113	KRW	South Korean won	1 716,40
ISK	Iceland króna		ZAR	South African rand	11,0565
NOK	Norwegian krone	8,4355	CNY	Chinese yuan renminbi	10,0556
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,2668
CZK	Czech koruna	25,705	IDR	Indonesian rupiah	13 905,61
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	5,0045
HUF	Hungarian forint	272,05	PHP	Philippine peso	68,075
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	44,8505
LVL	Latvian lats	0,7072	THB	Thai baht	48,793
PLN	Polish zloty	4,1405	BRL	Brazilian real	2,5904
RON	Romanian leu	4,2382	MXN	Mexican peso	19,0312
TRY	Turkish lira	2,2020	INR	Indian rupee	68,7000

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

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting of 19 June 2009 concerning a draft decision in Case COMP/39.396 – Calcium Carbide

(2009/C 301/11)

1. The Advisory Committee agrees with the European Commission assessment of the facts as an agreement and/or concerted practice within the meaning of Article 81 of the Treaty and Article 53 of the EEA Agreement.
 2. The Advisory Committee agrees that the complex of agreements and/or concerted practices constitutes a single and continuous infringement for the time frame in which it existed.
 3. The Advisory Committee agrees with the European Commission that the agreements and/or concerted practices have as object a restriction of competition.
 4. The Advisory Committee agrees with the European Commission assessment on the duration of the infringement for each addressee.
 5. The Advisory Committee agrees with the European Commission draft decision as regards the conclusion that the agreements and concerted practices between the addressees were capable of having an appreciable effect upon trade between EU Member States and between contracting parties of the EEA.
 6. The Advisory Committee agrees with the European Commission draft decision as regards the addressees of the decision, specifically with reference to imputation of liability to parent companies of the groups concerned.
 7. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting of 17 July 2009 concerning a draft decision in case COMP/39.396 – Calcium Carbide

(2009/C 301/12)

1. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
 2. The Advisory Committee agrees with the Commission on the increase of the basic amount due to aggravating circumstances.
 3. The Advisory Committee agrees with the Commission on the amounts of reduction of the fine based on the 2006 Commission Notice on the non-imposition or reduction of fines in cartel cases.
 4. The Advisory Committee agrees with the Commission on the final amounts of the fines.
 5. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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Final Report ⁽¹⁾ in case COMP/39.396 Calcium Carbide (et al.)

(2009/C 301/13)

The draft Decision gives rise to the following observations:

BACKGROUND

In November 2006, the Commission received an immunity application from a producer of calcium carbide powder and calcium carbide granulates. Subsequently, the Commission carried out on-site inspections. The inspections were followed by leniency applications in the course of 2007 and early 2008. On the basis of the collected information, the Commission came to the preliminary conclusion that seven groups of undertakings had participated in a single and continuous infringement of Article 81 of the Treaty and Article 53 of the EEA Agreement for different periods between 7 April 2004 and 16 January 2007 by fixing prices and exchanging commercially sensitive information in relation to the supply of calcium carbide powder to the metallurgic industry, calcium carbide granulates to the gas industry and magnesium granulates to the metallurgic industry.

WRITTEN PROCEDURE**Statement of Objections**

Following the above-mentioned leniency applications and a subsequent investigation, the Commission on 24 June 2008 issued a Statement of Objections ('SO') to the following addressees concerning alleged infringements of Article 81 of the Treaty and Article 53 of the EEA agreement:

Carbide Sweden AB and its ultimate parent company Akzo Nobel NV (together '**Akzo**'); Almamet GmbH ('**Almamet**'); Donau Chemie AG ('**Donau Chemie**'); non ferrum Metallpulver GmbH Co. KG and its ultimate parent company ECKA Granulate GmbH & Co. KG (together with non ferrum '**Ecka**'); Novácke chemické závody, a.s. ('**NCHZ**') and its former parent company 1. garantovaná a.s. ('**garantovaná**'); SKW Stahl-Metallurgie GmbH ('**SKW**'), its parent company SKW Stahl-Metallurgie Holding AG ('**SKW Holding**'), its former ultimate parent company ARQUES Industries AG ('**ARQUES**'), its former parent company AlzChem Hart GmbH ('**AlzChem**') and its former ultimate parent company Evonik Degussa GmbH ('**Degussa**'); and TDR-Metallurgija d.d. ('**TDR**') and its former parent company Holding Slovenske elektrarne d.o.o. ('**HSE**').

Access to file

The parties received access to the file through a DVD which was made available to them on request. The parties also received access to oral and written leniency statements at the Commission's premises.

The parties did not address any issues concerning access to file to me.

Extensions to deadline for reply to SO

The addressees of the SO were originally granted a deadline of three months to reply to the SO, starting from the day after receipt of the DVD. Following reasoned requests submitted to me, I granted short extensions to ARQUES and NCHZ (five and four days, respectively). All parties replied in time except for TDR, which did not reply at all.

ORAL PROCEDURE**Oral Hearing**

An Oral Hearing was held on 10 and 11 November 2008 and was attended by representatives of Akzo, Almamet, Donau Chemie, ECKA, NCHZ, SKW, SKW Holding, ARQUES, AlzChem, Degussa and HSE. TDR did not request an Oral Hearing.

Before the Oral Hearing one company requested an *in camera* session. Since that company acknowledged that the proposed *in camera* presentation might be relevant for the defence of another company, they proposed as a practical solution to reveal the content of the *in camera* presentation to the latter at a later stage of the proceedings.

⁽¹⁾ Pursuant to Articles 15 and 16 of Commission Decision (2001/462/EC, ECSC) of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings – (OJ L 162, 19.6.2001, p. 21).

I considered the request in light of the fundamental right to be heard ⁽¹⁾ as it was not *strictu sensu* based on the need for protection of business secrets and other confidential information ⁽²⁾. On balance I rejected the request since an *in camera* session, if allowed, would deprive the other company of the opportunity to respond orally to allegations (at least indirectly) made against it in the presence of the Member States, the Hearing Officer, the Legal Service and other Commission Services.

Some months after the Oral Hearing had taken place, that company asked for an additional oral hearing to present the issue for which it previously had requested the *in camera* session. I rejected that request as the right to be heard orally is triggered by the issue of a statement of objections and is afforded on a single occasion ⁽³⁾. However, I allowed that company to submit within two weeks additional written comments on the issue.

On 11 November 2008, before that request but also after the Oral Hearing had taken place, garantovaná requested an oral hearing. By letter of 17 November 2008, I rejected the request since garantovaná had not requested an oral hearing either in its written reply or in the ensuing email exchange with the case team.

Inability to pay

Several parties in their written replies and/or during the Oral Hearing claimed their inability to pay a potential fine. In order to verify these claims, the Commission services addressed requests for information to these parties after the Oral Hearing.

THE DRAFT DECISION

Degussa provided evidence to the Commission substantiating that the date of transfer of ownership of SKW between Degussa and ARQUES took place not on 13 September 2004 as mentioned in the SO, but on 30 August 2004. The Commission verified this information with SKW and ARQUES and gave them the opportunity to comment. SKW and ARQUES confirmed the date in writing. The draft Decision contains the correct date (30 August 2004) as the starting date of ARQUES' and SKW's liability for the infringement.

In my opinion the draft Decision relates only to objections in respect of which the parties have been afforded the opportunity to make known their views.

I consider that the right to be heard of all participants to the proceedings has been respected in this case.

Brussels, 9 July 2009.

Karen WILLIAMS

⁽¹⁾ See also Paragraph 19 of the Commission notice on access to file regarding a broad reading of the term 'confidential information' (OJ C 325, 22.12.2005, p. 7).

⁽²⁾ See Article 14 Paragraph 6 of Regulation (EC) No 773/2004 (OJ L 123, 27.4.2004, p. 18).

⁽³⁾ See Article 27 Paragraph 1 of Regulation (EC) No 1/2003 (OJ L 1. 4.1.2003, p. 1), Article 12 of Regulation EC No 773/2004 (OJ L 123, 27.4.2004, p. 18) and Article 7 of Commission Decision of 23 May 2001 on the terms of reference of hearing officers in certain competition proceedings (OJ L 162, 19.6.2001, p. 21).

Summary of Commission Decision**of 22 July 2009****relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement
(Case COMP/39.396 – Calcium Carbide and magnesium based reagents for the steel and gas industries)***(notified under document C(2009) 5791)***(Only the English, German, Slovak and Slovenian language texts are authentic)****(Text with EEA relevance)**

(2009/C 301/14)

On 22 July 2009, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets. A non-confidential version of the decision is available on the Competition Directorate General website at the following address:

<http://ec.europa.eu/competition/antitrust/cases/>

1. INTRODUCTION

- (1) The Decision is addressed to fifteen legal entities for infringing Article 81 of the Treaty and Article 53 of the EEA Agreement. The infringement was committed by the major suppliers of calcium carbide and magnesium to the steel and gas industries. They engaged in market sharing, price fixing, customer allocations and exchange of sensitive information relating to customers in the EEA except Spain, Portugal, UK and Ireland. For the purpose of the Decision the infringement lasted from 7 April 2004 until 16 January 2007.

2. CASE DESCRIPTION**2.1. Procedure**

- (2) The case was opened on the basis of an immunity application of Akzo Nobel NV. The Commission obtained further evidence from inspections that took place in January 2007. Additionally, the Commission received four applications under the Leniency Notice (Donau Chemie, Almamet, Degussa and NCHZ) and sent out several requests for information.
- (3) On 25 June 2008 a Statement of Objections was issued and all undertakings were given the possibility to have access to the file and defend themselves against the preliminary view of the Commission in writing and, on 10 and 11 November 2008, during an Oral Hearing. The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on

19 June 2009 and 17 July 2009 and the Commission adopted the Decision on 22 July 2009.

2.2. Summary of the infringement

- (4) The Decision concerns a single and continuous infringement of Article 81 EC Treaty and Article 53 of the EEA Agreement regarding calcium carbide powder, calcium carbide granulate and magnesium granulate. Calcium carbide in granular form is used in the gas industry for the production of acetylene (a gas used for welding and cutting purposes). In powder form, calcium carbide is used for desoxidation and desulphurisation in the steel industry. Magnesium granulate is also used for desulphurisation in the steel industry.
- (5) The purpose of the cartel was to freeze the market by stabilising the suppliers' market shares in order to facilitate price increases and stimulate profitability. At the start of the cartel, the participants faced increased costs (cokes and energy), overcapacity (due to technical innovation), increased market power of the customers (due to consolidation in the European steel and gas industry) and direct imports from China (for magnesium granulate).
- (6) The members of the cartel agreed on a table fixing each others' market share and regularly updated this market sharing table in meetings. They also agreed upon price increases and/or individual customer allocations. The members of the cartel coordinated their supplies by means of exchange of information to facilitate and/or monitor the implementation of the agreements on sales volumes and price.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

(7) Each addressee is held liable according to its own involvement in the cartel arrangements, that is either as a direct participant, or, in the case of a parent company, because the behaviour of the subsidiary is imputed to the parent given that the parent exercised decisive influence over the conduct of subsidiaries during the period of the infringement.

2.3. Addressees and duration in the infringement

(8) I.garantovaná a.s. (07.04.2004 – 16.1.2007); Akzo Nobel NV (03.11.2004 – 20.11.2006); Almamet GmbH (22.04.2004 – 16.01.2007); AlzChem Hart GmbH (22.04.2004 – 30.8.2004); ARQUES Industries AG (30.8.2004 – 16.01.2007); Carbide Sweden AB (03.11.2004 – 20.11.2006); Donau Chemie AG (07.04.2004 – 16.01.2007); ECKA Granulate GmbH & Co KG (14.07.2005 – 16.01.2007); Evonik Degussa GmbH (22.04.2004 – 30.8.2004); Holding Slovenske elektrarne d.o.o. (07.04.2004 – 20.12.2006); non ferrum Metallpulver GmbH & Co KG (14.07.2005 – 16.01.2007); Novácke chemické závody, a.s. (07.04.2004 – 16.01.2007); SKW Stahl-Metallurgie GmbH (22.04.2004 – 16.01.2007); SKW Stahl-Metallurgie Holding AG (30.8.2004 – 16.1.2007); TDR Metalurgija d.d. (07.04.2004 – 16.01.2007).

2.4. Remedies

(9) The Decision applies the 2006 Guidelines on Fines. The Decision imposes the fine on Holding Slovenske elektrarne d.o.o., the former parent company of the company TDR Metalurgija d.d. The subsidiary itself had gone into liquidation well before the adoption of the Decision, and does not receive a fine.

2.4.1. Basic amount of the fine

(10) The basic amount is set at 17 % of the undertakings' sales of goods to which the infringement directly or indirectly related in the relevant geographic area, during the last full business year of its participation in the infringement. Account was taken of the multi-faceted nature of the cartel and of the combined market share.

(11) The basic amount is multiplied by the number of years of participation in the infringement taking fully into account the duration of the participation for each undertaking in the infringement individually.

2.4.2. Adjustments to the basic amount

2.4.2.1. Aggravating circumstances

(12) Recidivism is an aggravating circumstance for Evonik Degussa (one previous cartel decision taken into account) and Akzo Nobel NV (four previous cartel decisions taken into account), leading to an increase in the fine by 50 % and 100 % respectively.

2.4.2.2. Specific increase for deterrence

(13) 17 % are added due to the nature and the geographic scope of the infringement in order to deter undertakings from even entering into horizontal price-fixing and market-sharing agreements.

2.4.3. Application of the 2002 Leniency Notice: reduction of fines

(14) As regards the application of the 2002 Leniency Notice, Akzo Nobel is granted a reduction of 100 %, Donau Chemie is granted a reduction of 35 % and Evonik Degussa a reduction of 20 %. The applications by Almamet and NCHZ were rejected for not having provided significant added value compared to the information already in the Commission's possession.

2.4.4. Ability to pay according to point 35 of the Guidelines on Fines

(15) Various companies claim their inability to pay the fine. The claims were analysed based on point 35 of the 2006 Guidelines on Fines and were rejected. Outside of the application of point 35 of the 2006 Guidelines on Fines, the company Almamet received a reduction of its fine by 20 % based on an evaluation of its special circumstances, its financial position and the required deterrent effect of the fine.

3. FINES IMPOSED BY THE DECISION

(a) Almamet GmbH:	EUR 3 040 000
(b) Carbide Sweden AB and Akzo Nobel NV jointly and severally:	EUR 0
(c) Donau Chemie AG:	EUR 5 000 000
(d) non ferrum Metallpulver GmbH & Co KG and ECKA Granulate GmbH & Co KG jointly and severally:	EUR 6 400 000
(e) Novácke chemické závody and I.garantovaná a.s. jointly and severally:	EUR 19 600 000

(f) SKW Stahl-Metallurgie Holding AG, ARQUES Industries AG and SKW Stahl-Metallurgie GmbH jointly and severally:	EUR 13 300 000
(g) Evonik Degussa GmbH, AlzChem Hart GmbH and SKW Stahl-Metallurgie GmbH jointly and severally:	EUR 1 040 000
(h) Evonik Degussa GmbH and AlzChem Hart GmbH jointly and severally:	EUR 3 640 000
(i) Holding Slovenske elektrarne d.o.o.:	EUR 9 100 000

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation)

(Text with EEA relevance)

(2009/C 301/15)

Reference number of State Aid	X 261/09	
Member State	Italy	
Member State reference number	—	
Name of the Region (NUTS)	Trento Non-assisted areas	
Granting authority	Provincia autonoma di Trento Piazza Dante 15 38100 Trento TN ITALIA http://www.provincia.tn.it/	
Title of the aid measure	Adozione di sistemi informatici per l'innovazione aziendale	
National legal basis (Reference to the relevant national official publication)	Bando «adozione di sistemi informatici per l'innovazione aziendale» pubblicato sul Bollettino Ufficiale della Regione Trentino-Alto Adige n. 8 di data 17 febbraio 2009, parte I-II Base comunitaria: regolamento (CE) n. 1083/2006	
Type of measure	Scheme	
Amendment of an existing aid measure	—	
Duration	31.7.2009-30.6.2012	
Economic sector(s) concerned	All economic sectors eligible to receive aid	
Type of beneficiary	SME	
Annual overall amount of the budget planned under the scheme	EUR 2,60 million	
For guarantees	—	
Aid Instrument (Article 5)	Grant	
Reference to the Commission decision	—	
If co-financed by Community funds	Regolamento (CE) n. 800/2008 — 2,60 milioni di EUR	
Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
SME investment and employment aid (Article 15)	20 %	—
Aid for innovation advisory services and for innovation support services (Article 36)	EUR 120 000	—

Web link to the full text of the aid measure:

<http://www.puntoeuropa.provincia.tn.it/><http://www.artigianato.provincia.tn.it/>

Reference number of State Aid	X 262/09	
Member State	Italy	
Member State reference number	—	
Name of the Region (NUTS)	Campania Article 87(3)(a)	
Granting authority	Regione Campania Via S. Lucia 81 80132 Napoli NA ITALIA http://www.regione.campania.it	
Title of the aid measure	Contratto di Programma Regionale	
National legal basis (Reference to the relevant national official publication)	Articolo 2 della legge regionale n. 12 del 28.11.2007; regolamento n. 4 del 28.11.2007; d.lgs. 123/98;	
Type of measure	Scheme	
Amendment of an existing aid measure	—	
Duration	2.2.2009-31.12.2013	
Economic sector(s) concerned	All economic sectors eligible to receive aid	
Type of beneficiary	SME large enterprise	
Annual overall amount of the budget planned under the scheme	EUR 91,00 million	
For guarantees	—	
Aid Instrument (Article 5)	Interest rate subsidy, Grant	
Reference to the Commission decision	—	
If co-financed by Community funds	Delibera di Giunta Regionale n. 514 del 21.3.2008 — 188,50 milioni di EUR	
Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
Regional investment and employment aid (Article 13) Scheme	30 %	20 %
Aid for consultancy in favour of SMEs (Article 26)	50 %	—
Fundamental research (Article 31(2)(a))	100 %	—
Industrial research (Article 31(2)(b))	50 %	20 %
Experimental development (Article 31(2)(c))	25 %	20 %
Aid for technical feasibility studies (Article 32)	75 %	—
Aid for industrial property rights costs for SMEs (Article 33)	100 %	—
Aid for innovation advisory services and for innovation support services (Article 36)	EUR 200 000	—

Specific training (Article 38(1))	25 %	10 %
General training (Article 38(2))	60 %	20 %
Aid for the recruitment of disadvantaged workers in the form of wage subsidies (Article 40)	50 %	—
Aid for the employment of disabled workers in the form of wage subsidies (Article 41)	60 %	—
Aid for compensating the additional costs of employing disabled workers (Article 42)	100 %	—

Web link to the full text of the aid measure:

<http://www.economicampania.net>

Reference number of State Aid	X 263/09
Member State	Italy
Member State reference number	—
Name of the Region (NUTS)	Campania Article 87(3)(a)
Granting authority	Regione Campania Via S. Lucia 81 80132 Napoli NA ITALIA http://www.regione.campania.it
Title of the aid measure	Incentivi per l'innovazione e sviluppo
National legal basis (Reference to the relevant national official publication)	l.r. n. 12 del 28.11.2007; regolamento n. 7 del 28.11.2007; l.r. n. 24 del 29.12.2005 articolo 8 e succ. mod. (PASER); d.lgs. 123/1998; decreto Ministro Attività Produttive 18.4.2005 pubbl. sulla G.U. n. 238 del 12.10.2005 (Fondo di Garanzia per le piccole e medie imprese di cui alla legge 662/1996); carta degli aiuti di stato a finalità regionale approvata il 28.11.2007;
Type of measure	Scheme
Amendment of an existing aid measure	—
Duration	29.1.2009-31.12.2013
Economic sector(s) concerned	All economic sectors eligible to receive aid
Type of beneficiary	SME
Annual overall amount of the budget planned under the scheme	EUR 80,00 million
For guarantees	—
Aid Instrument (Article 5)	Interest rate subsidy, Grant
Reference to the Commission decision	—
If co-financed by Community funds	Delibera di Giunta Regionale n. 514 del 21.3.2008 — 50,00 milioni di EUR

Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
Regional investment and employment aid (Article 13) Scheme	50 %	—
Environmental investment aid for the promotion of energy from renewable energy sources (Article 23)	50 %	—
Aid for innovation advisory services and for innovation support services (Article 36)	EUR 100 000	—

Web link to the full text of the aid measure:

<http://www.economicampania.net/index001.php?part=m&idc=42>

Reference number of State Aid	X 264/09
Member State	Italy
Member State reference number	—
Name of the Region (NUTS)	Veneto Article 87(3)(c)
Granting authority	Regione del Veneto Palazzo Balbi Dorsoduro 3901 30123 Venezia VE ITALIA http://www.regione.veneto.it
Title of the aid measure	Aiuti alla formazione. Progetti formativi rivolti alle piccole medie imprese attive nella trasformazione e commercializzazione dei prodotti nel settore agricolo e forestale.
National legal basis (Reference to the relevant national official publication)	Legge 845/1978 «Legge quadro in materia di formazione professionale»
Type of measure	Scheme
Amendment of an existing aid measure	—
Duration	17.12.2007-31.12.2008
Economic sector(s) concerned	Agriculture, Forestry and Fishing
Type of beneficiary	SME
Annual overall amount of the budget planned under the scheme	EUR 0,33 (in millions)
For guarantees	EUR 0,33 (in millions)
Aid Instrument (Article 5)	Grant
Reference to the Commission decision	—
If co-financed by Community funds	—

Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
Regional investment and employment aid (Article 13) Scheme	70 %	—
Specific training (Article 38(1))	35 %	—
General training (Article 38(2))	70 %	—

Web link to the full text of the aid measure:

<http://www.regione.veneto.it/Servizi+alla+Persona/Formazione+e+Lavoro/ModulisticaREG.htm>

Reference number of State Aid	X 265/09
Member State	Austria
Member State reference number	—
Name of the Region (NUTS)	Österreich Mixed
Granting authority	Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft Stubenring 1 1010 Wien ÖSTERREICH http://wasser.lebensministerium.at
Title of the aid measure	Förderung Gewässerökologie für Wettbewerbsteilnehmer — Förderungsrichtlinien 2009
National legal basis (Reference to the relevant national official publication)	Bundesgesetz über die Förderung von Maßnahmen in den Bereichen der Wasserwirtschaft, der Umwelt, der Altlastensanierung und zum Schutz der Umwelt im Ausland (Umweltförderungsgesetz — UFG); BGBl. 185/1993 in der geltenden Fassung
Type of measure	Scheme
Amendment of an existing aid measure	—
Duration	1.2.2009-31.12.2013
Economic sector(s) concerned	All economic sectors eligible to receive aid
Type of beneficiary	SME large enterprise
Annual overall amount of the budget planned under the scheme	EUR 140,00 million
For guarantees	—
Aid Instrument (Article 5)	Grant
Reference to the Commission decision	—
If co-financed by Community funds	Anmerkung zum Budget: Das oben angeführte Budget von 140 Mio. EUR umfasst das maximal vorgesehene Gesamtbudget für die gesamte Laufzeit des Programms.

Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
Investment aid enabling undertakings to go beyond Community standards for environmental protection or increase the level of environmental protection in the absence of Community standards (Article 18)	20 %	10 %
Aid for environmental studies (Article 24)	20 %	10 %

Web link to the full text of the aid measure:

<http://www.public-consulting.at/de/portal/umweltfrderungen/bundesfrdenungen/gewsserkologie/>

<http://wasser.lebensministerium.at/article/archive/26045>

Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation)

(Text with EEA relevance)

(2009/C 301/16)

Reference number of State Aid	X 854/09	
Member State	Italy	
Member State reference number	—	
Name of the Region (NUTS)	Toscana Mixed	
Granting authority	Unioncamere Toscana Via Lorenzo il Magnifico 24 50129 Firenze FI ITALIA http://www.tos.camcom.it	
Title of the aid measure	Regolamento per la concessione di aiuti alle imprese ai sensi del regolamento di esenzione della Commissione europea (CE) n. 800/2008	
National legal basis (Reference to the relevant national official publication)	Delibera del Consiglio di Amministrazione di Unioncamere Toscana n. 49 del 29.9.2009 che adotta il regolamento per la concessione di aiuti alle imprese ai sensi del regolamento di esenzione della Commissione europea (CE) n. 800/2008	
Type of measure	Scheme	
Amendment of an existing aid measure	—	
Duration	29.9.2009-31.12.2013	
Economic sector(s) concerned	All economic sectors eligible to receive aid	
Type of beneficiary	SME large enterprise	
Annual overall amount of the budget planned under the scheme	EUR 6,00 million	
For guarantees	—	
Aid Instrument (Article 5)	Interest rate subsidy, Grant	
Reference to the Commission decision	—	
If co-financed by Community funds	—	
Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
SME investment and employment aid (Article 15)	20 %	—
Aid for small enterprises newly created by female entrepreneurs (Article 16)	15 %	—

Environmental investment aid for energy saving measures (Article 21)	20 %	20 %
Environmental investment aid for the promotion of energy from renewable energy sources (Article 23)	45 %	20 %
Aid for environmental studies (Article 24)	50 %	20 %
Aid for consultancy in favour of SMEs (Article 26)	50 %	—
Fundamental research (Article 31(2)(a))	100 %	—
Industrial research (Article 31(2)(b))	50 %	20 %
Experimental development (Article 31(2)(c))	25 %	20 %
Aid for technical feasibility studies (Article 32)	75 %	—
Aid for industrial property rights costs for SMEs (Article 33)	100 %	—
Aid for research and development in the agricultural and fisheries sectors (Article 34)	100 %	—
Aid to young innovative enterprises (Article 35)	EUR 1 000 000	—
Aid for innovation advisory services and for innovation support services (Article 36)	EUR 200 000	—
Aid for the loan of highly qualified personnel (Article 37)	EUR 50	—
Specific training (Article 38(1))	25 %	20 %
General training (Article 38(2))	60 %	20 %

Web link to the full text of the aid measure:

<http://www.tos.camcom.it/Default.aspx?PortalID=1&PageID=1&ModuleID=442&ItemID=9114&Action=ViewItem>

Reference number of State Aid	X 855/09
Member State	Spain
Member State reference number	—
Name of the Region (NUTS)	Galicia Article 87(3)(a)
Granting authority	Instituto Gallego de Promoción Económica (Igabe) Complejo Administrativo de San Lázaro, s/n 15703 Santiago de Compostela (A Coruña) ESPAÑA http://www.igape.es/index.php?lang=es

Title of the aid measure	IG168: Ayudas a las Pymes, autónomos y particulares para la renovación de automóviles con achatarramiento de automóviles antiguos (Plan Remóvete Galicia)	
National legal basis (Reference to the relevant national official publication)	Resolución del 30 de junio de 2009 (DOG nº 130, de 6 de julio de 2009) por la que se le da publicidad al acuerdo del Consejo de Dirección del Igape que aprueba las bases reguladoras de las ayudas del Igape a las Pymes, autónomos y particulares para la renovación de automóviles con achatarramiento de automóviles antiguos (Plan Remóvete Galicia)	
Type of measure	Scheme	
Amendment of an existing aid measure	—	
Duration	13.7.2009-15.12.2009	
Economic sector(s) concerned	All economic sectors eligible to receive aid	
Type of beneficiary	SME	
Annual overall amount of the budget planned under the scheme	EUR 2,20 million	
For guarantees	—	
Aid Instrument (Article 5)	Grant	
Reference to the Commission decision	—	
If co-financed by Community funds	—	
Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
SME investment and employment aid (Article 15)	20 %	—

Web link to the full text of the aid measure:

[http://www.xunta.es/doc/Dog2009.nsf/a6d9af76b0474e95c1257251004554c3/abf342bd2a310dbcc12575e800689133/\\$FILE/13000D013P071.PDF](http://www.xunta.es/doc/Dog2009.nsf/a6d9af76b0474e95c1257251004554c3/abf342bd2a310dbcc12575e800689133/$FILE/13000D013P071.PDF)

Reference number of State Aid	X 858/09
Member State	Spain
Member State reference number	ES
Name of the Region (NUTS)	Rioja Non-assisted areas
Granting authority	Dirección General de Trabajo, Industria y Comercio C/ Marques de la Ensenada, 13 26071 Logroño, La Rioja ESPAÑA http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=465295

Title of the aid measure	Bases reguladoras de la concesión de subvenciones, en la Estrategia de Ahorro y Eficiencia Energética (E4+): Mejora eficiencia energética iluminación interior en edificios existentes	
National legal basis (Reference to the relevant national official publication)	Orden 34/2009, de 29 de septiembre, de la Consejería de Industria, Innovación y Empleo, por la que se establecen las bases reguladoras de la concesión de subvenciones, en la Estrategia de Ahorro y Eficiencia Energética (E4+): Mejora eficiencia energética iluminación interior en edificios existentes. B.O.R de 2 de octubre de 2009	
Type of measure	Scheme	
Amendment of an existing aid measure	—	
Duration	2.10.2009-31.12.2013	
Economic sector(s) concerned	All economic sectors eligible to receive aid	
Type of beneficiary	SME	
Annual overall amount of the budget planned under the scheme	EUR 0,30 million	
For guarantees	—	
Aid Instrument (Article 5)	Grant	
Reference to the Commission decision	—	
If co-financed by Community funds	FEDER — 0,07 EUR (en millones)	
Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
Environmental investment aid for energy saving measures (Article 21)	35 %	—
Aid for environmental studies (Article 24)	60 %	—

Web link to the full text of the aid measure:

<http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=449883>

Reference number of State Aid	X 859/09
Member State	Spain
Member State reference number	ES
Name of the Region (NUTS)	Rioja Non-assisted areas
Granting authority	Dirección General de Trabajo, Industria y Comercio C/ Marques de la Ensenada, 13 26071 Logroño, La Rioja ESPAÑA http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=465295

Title of the aid measure	Bases reguladoras de la concesión de subvenciones, en el Plan de Energías Renovables: Biomasa	
National legal basis (Reference to the relevant national official publication)	Orden 33/2009, de 29 de septiembre, de la Consejería de Industria, Innovación y Empleo, por la que se establecen las bases reguladoras de la concesión de subvenciones, en el Plan de Energías Renovables: Biomasa B.O.R de 2 de octubre de 2009	
Type of measure	Scheme	
Amendment of an existing aid measure	—	
Duration	2.10.2009-31.12.2013	
Economic sector(s) concerned	All economic sectors eligible to receive aid	
Type of beneficiary	SME	
Annual overall amount of the budget planned under the scheme	EUR 0,08 million	
For guarantees	—	
Aid Instrument (Article 5)	Grant	
Reference to the Commission decision	—	
If co-financed by Community funds	—	
Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
Environmental investment aid for the promotion of energy from renewable energy sources (Article 23)	50 %	—

Web link to the full text of the aid measure:

<http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=449883>

Reference number of State Aid	X 862/09
Member State	Spain
Member State reference number	ES
Name of the Region (NUTS)	Rioja Non-assisted areas
Granting authority	Dirección General de Trabajo, Industria y Comercio C/ Marques de la Ensenada, 13 26071 Logroño, La Rioja ESPAÑA http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=465295

Title of the aid measure	Bases reguladoras de la concesión de subvenciones, en la Estrategia de Ahorro y Eficiencia Energética (E4+): Mejora de la eficiencia energética en las instalaciones de ascensores existentes en los edificios	
National legal basis (Reference to the relevant national official publication)	Orden 38/2009, de 30 de septiembre, de la Consejería de Industria, Innovación y Empleo, por la que se establecen las bases reguladoras de la concesión de subvenciones, en la Estrategia de Ahorro y Eficiencia Energética (E4+): Mejora de la eficiencia energética en las instalaciones de ascensores existentes en los edificios. B.O.R de 5 de octubre de 2009	
Type of measure	Scheme	
Amendment of an existing aid measure	—	
Duration	5.10.2009-31.12.2013	
Economic sector(s) concerned	All economic sectors eligible to receive aid	
Type of beneficiary	SME	
Annual overall amount of the budget planned under the scheme	EUR 0,03 million	
For guarantees	—	
Aid Instrument (Article 5)	Grant	
Reference to the Commission decision	—	
If co-financed by Community funds	FEDER — 0,01 EUR (en millones)	
Objectives	Maximum aid intensity in % or maximum aid amount in national currency	SME-bonuses in %
Environmental investment aid for energy saving measures (Article 21)	35 %	—

Web link to the full text of the aid measure:

<http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=449883>

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION
POLICY

COMMISSION

Prior notification of a concentration

(Case COMP/M.5586 — Sita/Paprec/FPR)

Candidate case for simplified procedure

(Text with EEA relevance)

(2009/C 301/17)

1. On 3 December 2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾, by which Sita France (France), controlled by Suez Environnement, and Paprec Plastiques (France), controlled by Paprec France, a member of the Paprec group, acquire within the meaning of Article 3(1)(b) of the Regulation joint control of France Plastiques Recyclage SAS ('FPR') (France), a company engaged in the processing of plastic bottles made of polyethylene terephthalate (PET).

2. The business activities of the undertakings concerned are:

- Sita France: active in the sector of waste recycling involving the collection and treatment of waste,
- Paprec Plastiques: active in the recycling of waste, and particularly of plastic.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in 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. Observations can be sent to the Commission by fax (+32 22964301 or 22967244) or by post, under reference number COMP/M.5586 — Sita/Paprec/FPR, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.

Prior notification of a concentration**(Case COMP/M.5656 — Europ Assistance Holding/SFR Développement/Océalis)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2009/C 301/18)

1. On 4 December 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings SFR Développement ('SFRD', FR) and Europ Assistance Holding (FR) acquire within the meaning of Article 3(1)(b) of the Regulation joint control of the undertaking Océalis (FR) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- SFR Développement: investments into new companies active in the mobile communication sector and Internet. SFRD is a subsidiary of SFR, a group active in mobile communication, Internet, and television,
- Europ Assistance Holding: assistance, support and counseling services to physical or legal entities, in France or abroad. It belongs to the Generali group.,
- Océalis: provision of teleassistance services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in 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. Observations can be sent to the Commission by fax (+32 22964301 or 22967244) or by post, under reference number COMP/M.5656 — Europ Assistance Holding/SFR Développement/Océalis, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.

Prior notification of a concentration
(Case COMP/M.5666 — Xerox/Affiliated Computer Services)
(Text with EEA relevance)
(2009/C 301/19)

1. On 4 December 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Xerox Corporation ('Xerox', USA) proposes to acquire within the meaning of Article 3(1)(b) of the Regulation sole control of Affiliated Computer Services, Inc. ('ACS', USA) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Xerox: supply of document production equipment and related software solutions and IT services,
 - for ACS: supply of business process outsourcing and IT outsourcing services.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301 or 22967244) or by post, under reference number COMP/M.5666 — Xerox/Affiliated Computer Services, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

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V *Announcements*

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

Commission

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⁽¹⁾ Text with EEA relevance

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