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### Information and Notices

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Price:  
EUR 3<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN COMMISSION

**Authorisation for State aid pursuant to Articles 107 and 108 TFEU****Cases where the Commission raises no objections***(2010/C 30/01)*

Date of adoption of the decision	14.12.2009
Reference number of State Aid	N 736/07
Member State	Ireland
Region	—
Title (and/or name of the beneficiary)	Aid Scheme of compensation payments or costs incurred by landowners/users arising from designation of land in Natura 2000 network
Legal basis	National Development Plan for Ireland 2007-2013
Type of measure	Scheme
Objective	Aid scheme to pay farmers for losses incurred through restrictions caused by the designation of lands in areas designated Natura 2000 sites
Form of aid	Direct grant
Budget	EUR 10 million
Intensity	100 %
Duration (period)	Date of Commission letter until 31.12.2013
Economic sectors	NACE code A001 — Agriculture, hunting and related service activities
Name and address of the granting authority	Department of Agriculture and Food Agriculture House Kildare Street Dublin 2 IRELAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	9.12.2009
Reference number of State Aid	N 566/08
Member State	Slovak Republic
Region	—
Title (and/or name of the beneficiary)	Pomoc na ochranu lesov vo vlastníctve štátu a v lesoch prenajatých na území TANAPu a PIENAPu a v ich ochrannom pásme
Legal basis	zákon č. 326/2005 Z. z. o lesoch zákon č. 523/2004 Z. z. o rozpočtových pravidlách verejnej správy zákon č. 231/1999 Z. z. o štátnej pomoci vyhláška 453/2006 Z. z. o hospodárskej úprave lesov a o ochrane lesa
Type of measure	Individual aid
Objective	Forestry
Form of aid	Direct grant
Budget	Total: approximately EUR 4,78 Mio (SKK 144 Mio) Annual: approximately EUR 0,83 Mio (SKK 25,00 Mio)
Intensity	100 % of eligible expenses
Duration (period)	Date of Commission approval until 31.12.2013
Economic sectors	Forestry
Name and address of the granting authority	Ministerstvo pôdohospodárstva SR Dobrovičova 12 812 66 Bratislava SLOVENSKO/SLOVAKIA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	16.12.2009
Reference number of State Aid	N 445/09
Member State	Spain
Region	País Vasco
Title (and/or name of the beneficiary)	Ayuda para la recuperación del potencial forestal y la implantación de medidas preventivas
Legal basis	Medida 226 del Plan de Desarrollo Rural Sostenible del País Vasco 2007-2013 «Ayuda para la recuperación del potencial forestal y la implantación de medidas preventivas» Decreto 166/2008, de 30 de septiembre de 2008, de ayudas forestales en la Comunidad Autónoma del País Vasco
Type of measure	Aid scheme
Objective	Aid to the forestry sector
Form of aid	Direct grant

Budget	Overall amount: EUR 5,19 million
Intensity	Max. 100 % of eligible costs
Duration (period)	2009-2013
Economic sectors	Forestry sector
Name and address of the granting authority	Departamento de Medio Ambiente, Planificación Territorial, Agricultura y Pesca del Gobierno del país Vasco C/ Donostia, 1 01010 Vitoria ESPAÑA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	5.1.2010
Reference number of State Aid	N 490/09
Member State	Czech Republic
Region	Středočeský Region
Title (and/or name of the beneficiary)	Lesní hospodářství ve Středočeském kraji
Legal basis	Zákon č. 289/1995 Sb. o lesích a o změně a doplnění některých zákonů Zákon č. 129/2000 Sb. o krajích; Zásady pro poskytování finančních příspěvků na hospodaření v lesích z rozpočtu Středočeského kraje a způsobu kontroly jejich využití
Type of measure	Scheme
Objective	Forestry
Form of aid	Direct grant
Budget	Total: CZK 500 Mio (approximately EUR 20 Mio) Annual: CZK 100 Mio (approximately EUR 4 Mio)
Intensity	Up to 100 % of eligible expenses
Duration (period)	1.1.2010 until 31.12.2014
Economic sectors	Forestry
Name and address of the granting authority	Středočeský kraj Zborovská 11 150 21 Praha 5 ČESKÁ REPUBLIKA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	11.12.2009
Reference number of State Aid	N 561/09
Member State	Belgium
Region	Flanders
Title (and/or name of the beneficiary)	Verlenging van de agro-milieumaatregel „Beheersovereenkomst Water”
Legal basis	Artikel 56 van het Besluit van de Vlaamse Regering van 6 juni 2008 betreffende het sluiten van beheersovereenkomsten en het toekennen van vergoedingen ter uitvoering van Verordening (EG) nr. 1257/2005 van de Raad van 20 september 2005 inzake steun voor plattelandsonwikkeling.
Type of measure	Agro environmental aid
Objective	Prolongation of agri-environmental measure in between old and new contracts Prolongation with three months of the old agri environmental agreement based on the Belgian Rural Development Program for Flanders 2000-2006
Form of aid	Subsidy
Budget	EUR 0,5 million
Intensity	Max. 100 %
Duration (period)	2010-2012
Economic sectors	Agricultural sector
Name and address of the granting authority	Vlaamse Landmaatschappij Gulden Vlieslaan 72 1060 Brussel BELGIË
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

**Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union**

**Cases where the Commission raises no objections**

(2010/C 30/02)

Date of adoption of the decision	21.12.2009
Reference number of State Aid	N 218/09
Member State	Spain
Region	País Vasco
Title (and/or name of the beneficiary)	Ayuda a favor del medio forestal
Legal basis	Medida 225 del Plan de Desarrollo Rural Sostenible del País Vasco 2007-2013 «Ayuda a favor del medio forestal»; Decreto 166/2008, de 30 de septiembre de 2008, de ayudas forestales en la Comunidad Autónoma del País Vasco.
Type of measure	Aid scheme
Objective	Aid to the forestry sector
Form of aid	Direct grant
Budget	Overall maximum amount: EUR 2,22 million
Intensity	100 % of eligible costs
Duration (period)	2009-2013
Economic sectors	Forestry sector
Name and address of the granting authority	Departamento de Medio Ambiente, Planificación Territorial, Agricultura y Pesca del Gobierno del País Vasco C/ Donostia, 1 01010 Vitoria ESPAÑA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	11.12.2009
Reference number of State Aid	N 367/09
Member State	Germany
Region	Freistaat Sachsen
Title (and/or name of the beneficiary)	Maßnahmen zur Sicherung der natürlichen biologischen Vielfalt und des natürlichen ländlichen Erbes im Freistaat Sachsen

Legal basis	Richtlinie des Sächsischen Staatsministeriums für Umwelt und Landwirtschaft für die Förderung von Maßnahmen zur Sicherung der natürlichen biologischen Vielfalt und des natürlichen ländlichen Erbes im Freistaat Sachsen
Type of measure	Aid scheme
Objective	Creation of habitats and biotopes and the preservation of nature
Form of aid	Direct grant
Budget	Annual budget: EUR 1,4 million. Total budget until the end of 2013: EUR 7 million
Intensity	Variable
Duration (period)	After the approval by the Commission to 31.12.2013
Economic sectors	Agriculture and Forestry
Name and address of the granting authority	Sächsisches Landesamt für Umwelt, Landwirtschaft und Geologie Postfach 54 01 37 01 311 Dresden DEUTSCHLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	11.12.2009
Reference number of State Aid	N 402/09
Member State	Germany
Region	Mecklenburg-Vorpommern
Title (and/or name of the beneficiary)	Forstbeihilfe
Legal basis	Richtlinie zur Förderung forstwirtschaftlicher Maßnahmen im Rahmen des Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (FöRiForst-ELER M-V) Erlass über die Gewährung von Zuweisungen an die Landesforstanstalt und an das Land im Rahmen des Europäischen Landwirtschaftsfonds für die Entwicklung des ländlichen Raums (ZuwErForst-ELER)
Type of measure	Aid scheme
Objective	Prevention and reduction of insect calamities and other forest damages
Form of aid	Direct grant
Budget	Total budget until the end of 2013: EUR 1,63 million
Intensity	100 %
Duration (period)	After the approval by the Commission to 31.12.2013



Economic sectors	Forestry
Name and address of the granting authority	Ministerium für Landwirtschaft, Umwelt und Verbraucherschutz M-V 19048 Schwerin DEUTSCHLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	23.12.2009
Reference number of State Aid	N 443/09
Member State	Spain
Region	País Vasco
Title (and/or name of the beneficiary)	Primera forestación de tierras agrícolas
Legal basis	Medida 221 del Plan de Desarrollo Rural Sostenible del País Vasco 2007-2013 «Primera forestación de tierras agrícolas»; Decreto 166/2008, de 30 de septiembre de 2008, de ayudas forestales en la Comunidad Autónoma del País Vasco.
Type of measure	Aid scheme
Objective	Aid to the forestry sector
Form of aid	Direct grant
Budget	Overall maximum amount: EUR 0,35 million
Intensity	70 % — 80 % — 100 % of eligible costs
Duration (period)	2009-2013
Economic sectors	Forestry sector
Name and address of the granting authority	Departamento de Medio Ambiente, Planificación Territorial, Agricultura y Pesca del Gobierno del País Vasco C/ Donostia, 1 01010 Vitoria ESPAÑA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	22.12.2009
Reference number of State Aid	N 611/09
Member State	Netherlands

Region	—
Title (and/or name of the beneficiary)	Beperkte verenigbare steun (garanties werkkapitaal) voor ondernemingen die zich toeleggen op de primaire productie van landbouwproducten.
Legal basis	De artikelen 2, 4 en 7 van de Kaderwet LNV-subsidies en de artikelen 2:81-2:89 van de Regeling LNV-subsidies.
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Guarantees
Budget	Total budget of EUR 2,81 million
Intensity	—
Duration (period)	31.12.2010
Economic sectors	Agriculture
Name and address of the granting authority	Minister of Agriculture, Nature and Food Quality P.O. Box 20401 EK Den Haag NEDERLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

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**Non-opposition to a notified concentration**  
**(Case COMP/M.5718 — Bregal Capital/Englefield Capital)**

(Text with EEA relevance)

(2010/C 30/03)

On 26 January 2010, 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 32010M5718. EUR-Lex is the on-line access to the European law.
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**Authorisation for State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union**

**Cases where the Commission raises no objections**

(2010/C 30/04)

Date of adoption of the decision	16.12.2009
Reference number of State Aid	N 444/09
Member State	Spain
Region	País Vasco
Title (and/or name of the beneficiary)	Inversiones no productivas en tierras forestales
Legal basis	Medida 227 del Plan de Desarrollo Rural Sostenible del País Vasco 2007-2013 «Inversiones no productivas»; Decreto 166/2008, de 30 de septiembre de 2008, de ayudas forestales en la Comunidad Autónoma del País Vasco.
Type of measure	Aid scheme
Objective	Aid to the forestry sector
Form of aid	Direct grant
Budget	Overall maximum amount: EUR 0,42 million
Intensity	Max. 100 % of eligible costs
Duration	2009-2013
Economic sectors	Forestry sector
Name and address of the granting authority	Departamento de Medio Ambiente, Planificación Territorial, Agricultura y Pesca del Gobierno del país Vasco C/ Donostia, 1 01010 Vitoria ESPAÑA
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	2.12.2009
Reference number of State Aid	N 609/09
Member State	France
Region	—
Title (and/or name of the beneficiary)	Régime temporaire d'aides d'État à montant limité adaptées, pour le secteur agricole, au contexte de la crise économique et financière
Legal basis	l'article 20 de la constitution du 4 octobre 1958, les articles L 621-1 à L 621-11, R 621-1 à R 621-43 et R 684-1 à R 684-12 du code rural, code rural, livre VI, titre 2, chapitre 1.

Type of measure	Aid scheme
Objective	To remedy a serious disturbance in the economy
Form of aid	Direct grant, loan subsidy, defrayment of part of the interests on loans, defrayment of social security contributions
Budget	As an indication, EUR 700 million
Intensity	—
Duration	Until 31 December 2010
Economic sectors	Agricultural sector
Name and address of the granting authority	Secrétariat général des affaires européennes, service du Premier Ministre 2 boulevard Diderot 75572 Paris Cedex 12 FRANCE
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

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**Non-opposition to a notified concentration**  
**(Case COMP/M.5767 — Sorgenia/J&P/Argestis)**

(Text with EEA relevance)

(2010/C 30/05)

On 3 February 2010, 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 32010M5767. EUR-Lex is the on-line access to the European law.
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## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

Euro exchange rates <sup>(1)</sup>

5 February 2010

(2010/C 30/06)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3691	AUD	Australian dollar	1,5822
JPY	Japanese yen	122,49	CAD	Canadian dollar	1,4698
DKK	Danish krone	7,4449	HKD	Hong Kong dollar	10,6395
GBP	Pound sterling	0,87325	NZD	New Zealand dollar	1,9862
SEK	Swedish krona	10,2405	SGD	Singapore dollar	1,9475
CHF	Swiss franc	1,4682	KRW	South Korean won	1 601,26
ISK	Iceland króna		ZAR	South African rand	10,5544
NOK	Norwegian krone	8,2195	CNY	Chinese yuan renminbi	9,3470
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,3200
CZK	Czech koruna	26,185	IDR	Indonesian rupiah	12 938,22
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,7152
HUF	Hungarian forint	274,10	PHP	Philippine peso	63,750
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	41,7350
LVL	Latvian lats	0,7087	THB	Thai baht	45,468
PLN	Polish zloty	4,0875	BRL	Brazilian real	2,5758
RON	Romanian leu	4,1435	MXN	Mexican peso	18,0367
TRY	Turkish lira	2,0785	INR	Indian rupee	64,0700

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

**Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 28 September 2009 regarding a draft decision relating to Case COMP/38.636 — RAMBUS**

**Rapporteur: The Netherlands**

(2010/C 30/07)

1. The Advisory Committee shares the Commission's assessment in its draft Decision as communicated to the Advisory Committee on 14 September 2009 under Article 82 of the Treaty and Article 54 of the EEA Agreement.
  2. The Advisory Committee agrees with the Commission that the commitments offered by Rambus Inc. are suitable, necessary and proportionate.
  3. The Advisory Committee agrees with the Commission that the proceedings can be concluded by means of a decision pursuant to Article 9(1) of Regulation (EC) No 1/2003.
  4. The Advisory Committee agrees with the Commission that, in light of the commitments offered by Rambus Inc., there are no longer grounds for action by the Commission, without prejudice to Article 9(2) of Regulation (EC) No 1/2003.
  5. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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**Final report of the Hearing Officer <sup>(1)</sup> in Case COMP/38.636 — Rambus**

(2010/C 30/08)

The draft Decision gives rise to the following observations:

**1. Background of the case**

This draft decision under Article 9 of Regulation (EC) No 1/2003 relates to certain practices of Rambus, a US company which designs, develops and licenses high bandwidth chip connection technologies for computers, consumer electronic and communication products. The allegations concern, in particular, the claiming of potentially abusive royalties for the use of certain patents for 'Dynamic Random Access Memory' ('DRAM') chips subsequent to an allegedly intentional deceptive conduct in the context of the standard-setting process consisting in not disclosing the existence of patents and patent applications later claimed to be infringed by the adopted standard. The Commission came to the preliminary conclusion that these practices might constitute an abuse of dominant position under Article 82 EC.

**2. The preliminary assessment and the ensuing procedure**

The case originates from a joint complaint lodged by the companies Infineon (Germany) and Hynix (South Korea) on 18 December 2002, pursuant to Article 3 of Council Regulation No 17. Infineon withdrew its complaint on 5 April 2005, as a result of a private settlement with Rambus.

Rambus received a non-confidential version of the complaint on 28 July 2003 and provided comments thereon on 8 October 2003.

A Statement of Objections ('SO'), which constitutes the preliminary assessment under Article 9(1) of Regulation (EC) No 1/2003, was issued by the Commission on 27 July 2007 and received by Rambus on 30 July 2007. Access to the file was granted to Rambus on 10 August 2007.

Following specific request by Rambus, I granted Rambus an extension to reply to the SO until 31 October 2007. Rambus replied to the SO in due time.

Several companies requested to be admitted to the proceeding as interested third parties. In response to these requests, I admitted IBM, Hewlett Packard and Micron Technology, Inc. on 5 September 2007; Cray Inc. on 17 September 2007; and Samsung Electronics Corp. and BT Group PLC on 17 October 2007 and 25 October 2007, respectively. All of these parties requested and received a non-confidential version of the SO. Cray Inc., Hewlett Packard, IBM and Hynix provided written comments on that version during the month of October 2007.

At Rambus request, an oral hearing took place on 4 and 5 December 2007, with the participation of five interested third parties (Cray Inc., Hynix, IBM, Micron Technology, Inc., and Samsung Electronics Corp.) and of a representative of the Federal Trade Commission who attended as an observer.

On 23 February 2009, the Commission notified Rambus with a Letter of Facts by which the company was informed: (i) how the Commission might use certain documents already in Rambus possession; (ii) of additional evidence gathered and how this might be used by the Commission in a possible Article 82 Decision. The evidence referred to in the Letter of Facts was provided to Rambus in an enclosed CD-ROM. Rambus submitted its observations on the Letter of Facts on 30 March 2009.

**3. Submission of commitments and market test**

On 8 June 2009 Rambus submitted commitments (the 'Commitments') to the Commission in response to the objections raised in the SO, although it declared it disagreed with the Commission's preliminary findings.

<sup>(1)</sup> 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.

On 12 June 2009, the Commission published a notice in the *Official Journal of the European Union* pursuant to Article 27(4) of Regulation (EC) No 1/2003 summarising the case and the Commitments and inviting interested third parties to submit their observations within one month. On 23 July 2009, the Commission communicated to Rambus the observations received from interested third parties following the publication of the Notice. On 14 August 2009, Rambus submitted a revised proposal of commitments.

#### 4. Access to file and to market test

Access to file was granted initially to Rambus following the issue of the SO. Moreover, following the issue of the Letter of Facts, Rambus was granted access to the evidence referred therein. Following the market test, Rambus was also provided with non-confidential versions of the observations received in response to the market test.

By its letter of 2 March 2009, Rambus complained to me that it had not been granted full access to file following the issue of the Letter of Facts and that it had not received a complete list of the documents in the file. Moreover, Rambus put forward other procedural complaints, including in particular the allegedly erroneous designation of certain third parties submissions as 'spontaneous submissions' and the exclusion from the file of certain exculpatory evidence. After consultation with the relevant service in DG Competition, I came to the conclusion that Rambus had received all substantive documents, except one document which was inadvertently excluded from the file and subsequently provided to Rambus on 11 March 2009 together with a complete list of the file following the Letter of Facts. As regards the other objections raised by Rambus, I considered them as substantially unfounded and they were therefore rejected.

On 31 August 2009, Rambus submitted a declaration to the Commission where it acknowledged that Rambus had received sufficient access to the information it considered necessary to propose the commitments in order to meet the concerns expressed by the Commission.

#### 5. Conclusion

I consider that the rights of the Parties to be heard have been respected in the present case.

Brussels, 29 September 2009.

Karen WILLIAMS

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**Summary of Commission Decision****of 9 December 2009****relating to a proceeding under Article 102 of the Treaty on the functioning of the European Union and Article 54 of the EEA Agreement****(Case COMP/38.636 — RAMBUS)***(notified under document C(2009) 7610)***(Only the English text is authentic)****(Text with EEA relevance)**

(2010/C 30/09)

On 9 December 2009, the Commission adopted a decision relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union (TFEU) <sup>(1)</sup>. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 <sup>(2)</sup>, the Commission herewith publishes the name of the party and the main content of the decision, 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 website of the Directorate-General for Competition at the following address:

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

- (1) The case concerns Rambus Inc. (hereafter Rambus) and its claiming of potentially abusive royalties for the use of certain patents for 'Dynamic Random Access Memory' (hereafter DRAM) chips subsequent to an allegedly intentional deceptive conduct in the context of the JEDEC standard-setting process. This conduct consists in not disclosing the existence of patents and patent applications later claimed by Rambus to be relevant to the standards adopted by JEDEC.
- (2) In its preliminary assessment, the Commission took the view that the practices by Rambus of claiming royalties for the use of its patents against the JEDEC-compliant DRAM manufacturers at a level which, in the absence of its allegedly intentional deceptive conduct, it would not have been able to charge raised concerns as to the compatibility with then Article 82 EC (now Article 102 TFEU). In the preliminary assessment, the Commission considered it was important to properly assess Rambus' conduct in the light of the special circumstances of the case, in particular the standard-setting context.
- (3) The Commission considers that an effective standard-setting process is, in the sector relevant to the present case, a precondition to technical development and the development of the market in general to the benefit of consumers. The Commission's Guidelines on the applicability of Article 81 of the EC Treaty to horizontal cooperation agreements outline that standards must be set via 'non-discriminatory, open and transparent procedures' <sup>(3)</sup> to safeguard against anti-competitive outcomes.
- (4) The Commission considers that the commitments offered by Rambus following the preliminary assessment and the observations submitted by interested third parties are sufficient to address the identified competition concerns.
- (5) First, Rambus agrees not to charge for the SDRAM and DDR standards that were adopted by JEDEC during the time in which Rambus was a member and engaged in its allegedly intentional deceptive conduct.
- (6) Secondly, Rambus commits to a maximum royalty rate of 1,5 % for the later generations of standards adopted by JEDEC after Rambus' resignation, which is below the 3,5 % Rambus has been charging before for DDR in its existing contracts.
- (7) Thirdly, Rambus offers this maximum rate to all market participants and guarantees industry will not have to pay more. This predictability and certainty has a clear value for business. Potential new entrants will also have a

<sup>(1)</sup> With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and 102, respectively, of the TFEU; the two sets of provisions are in substance identical. For the purposes of this Decision, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82, respectively, of the EC Treaty where appropriate.

<sup>(2)</sup> OJ L 1, 4.1.2003, p. 1.

<sup>(3)</sup> Commission Notice — Guidelines on the applicability of Article 81 of the EC Treaty to horizontal cooperation agreements, OJ C 3, 6.1.2001, paragraph 163.

clear perspective of future royalty costs, facilitating a decision to enter the market.

commitments shall be binding on Rambus for a total period of five years from the date of the adoption of the decision.

(8) The decision finds that, in view of the commitments, there are no longer grounds for action by the Commission. The

(9) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 28 September 2009.

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## V

*(Announcements)*

## ADMINISTRATIVE PROCEDURES

## EUROPEAN COMMISSION

## MEDIA 2007 — DEVELOPMENT, DISTRIBUTION, PROMOTION AND TRAINING

## Call for proposals — EACEA/02/10

## Support for the networking and mobility of students and trainers in Europe

(2010/C 30/10)

**1. Objectives and Description**

This notice of a call for proposals is based on Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007).

One of the objectives of the programme is to encourage exchanges and cooperation, in supporting the networking of European training players, in particular Higher education institutions, training organisations and partners of the audiovisual sector and to encourage the mobility of students and trainers in Europe.

**2. Eligible Applicants**

This notice is aimed at pan-European consortia of Higher education institutions, training organisations and partners from the audiovisual sector whose activities contribute to the attainment of the above objectives of the MEDIA programme as described in the Council Decision.

Applicants must be registered in one of the following countries:

- the 27 countries of the European Union,
- The EFTA and EEA countries: Iceland, Liechtenstein and Norway,
- Switzerland and Croatia.

**3. Eligible Actions**

The following actions and their activities, taking place in the MEDIA countries, are eligible:

Actions aiming at developing the capacity of future audiovisual professionals to understand and integrate a European dimension to their work by improving expertise in the following fields:

- Training in economic, financial and commercial management
- Training in new audiovisual technologies
- Training in script project development.

The duration of the action (= duration of eligibility of costs) is of 12 months (up to 18 months maximum when dully justified).

The action must occur between 1 September 2010 and 30 June 2012.

#### 4. Award Criteria

Points will be allocated to eligible applications out of a total of 100 on the basis of the following weighing:

- Quality of the content of the activity (20 points)
- Project management (20 points)
- Quality of the consortium (20 points)
- European dimension (20 points)
- Impact (20 points).

#### 5. Budget

The maximum amount available under this call for proposals is EUR 2 000 000.

The financial support from the Commission cannot exceed 50 % or 75 % of the total eligible costs.

The Agency reserves the right not to allocate all the funds available.

#### 6. Deadline for submission

The deadline for sending in applications is 30 April 2010. Applications must be sent to the following address:

Education, Audiovisual and Culture Agency (EACEA)  
Call For Proposals EACEA/02/10 'MEDIA Support for the networking and mobility of students and trainers in Europe'  
Mr. Constantin Daskalakis  
BOUR 03/30  
Avenue du Bourget 1  
1140 Bruxelles/Brussel  
BELGIQUE/BELGIË

Only applications presented on the correct form, duly completed, dated and signed by the person empowered legally to bind the applicant organisation will be accepted.

Applications submitted by fax or email will not be accepted.

#### 7. Full details

The full text of the guidelines together with the application forms can be found at the following Internet address: [http://ec.europa.eu/information\\_society/media/training/forms/initial/index\\_en.htm](http://ec.europa.eu/information_society/media/training/forms/initial/index_en.htm)

Applications must comply with all terms of the guidelines, be submitted on the forms provided and containing all the information and Annexes specified in the full text of the call.

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PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

EUROPEAN COMMISSION

**Prior notification of a concentration**

**(Case COMP/M.5637 — Motor Oil (Hellas) Corinth Refineries S.A./Shell Overseas Holdings Limited)**

**(Text with EEA relevance)**

(2010/C 30/11)

1. On 27 January 2010, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004<sup>(1)</sup> by which Motor Oil (Hellas) Corinth Refineries S.A. ('MOH', Greece) will simultaneously acquire, within the meaning of Article 3(1)(b) of the EC Merger Regulation (i) sole control over (a) Shell Gas Commercial and Industrial Societe Anonyme of Gas ('The LPG Company', Greece) and (b) Shell Hellas A.E. ('SH Company', Greece) both ultimately controlled by the Royal Dutch Shell Group ('Shell', The Netherlands) as well as (ii) joint control with Shell Overseas Holdings Limited ('SOHL', UK), a subsidiary of Shell, over Shell A.E. ('JV'), a newly created joint venture, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for MOH: activities in the refinery sector and sale of petroleum products (retail and non-retail sales of automotive fuels, jet fuel, fuel oil, lubricants, etc),
- for SOHL: (i) worldwide exploration, production and sale of oil and natural gas, (ii) the production and sale of oil products and chemicals, (iii) power generation and the production of energy from renewable sources,
- for SH Company: (i) retail sale of fuel, commercial fuel and bitumen, (ii) chemicals storage and (iii) aviation fuels marketing,
- for LPG Company: sale of Liquid Petroleum Gas ('LPG') in Greece,
- for Shell A.E. ('JV'): aviation fuel marketing activities.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. 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), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5637 — Motor Oil (Hellas) Corinth Refineries S.A./Shell Overseas Holdings Limited, to the following address:

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

European Commission  
Directorate-General for Competition  
Merger Registry  
J-70  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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**Prior notification of a concentration**  
**(Case COMP/M.5783 — Statoil/Svitzer/FTTS (JV))**

**Candidate case for simplified procedure**

(Text with EEA relevance)

(2010/C 30/12)

1. On 29 January 2010, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Statoil South Riding Point, LLC ('SSRP', USA) belonging to Statoil ASA ('Statoil', Norway) and Svitzer (Americas) Ltd. ('Svitzer', British Virgin Islands) belonging to the group A.P. Møller-Mærsk A/S ('APMM', Denmark) acquire within the meaning of Article 3(1)(b) of the Regulation control of the whole of Freepoint Tug & Towing Services, Limited ('FTTS', The Bahamas) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- SSRP: provider of an oil storage and transshipment services,
- Statoil: integrated oil and gas company,
- Svitzer: provider of towage, salvage and other offshore supports services,
- APMM: an international conglomerate, mainly active in maritime transport,
- FTTS: a tugboat operator on the island of Grand Bahama in The Bahamas.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC 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 EC Merger Regulation <sup>(2)</sup> 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), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5783 — Statoil/Svitzer/FTTS (JV), to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
J-70  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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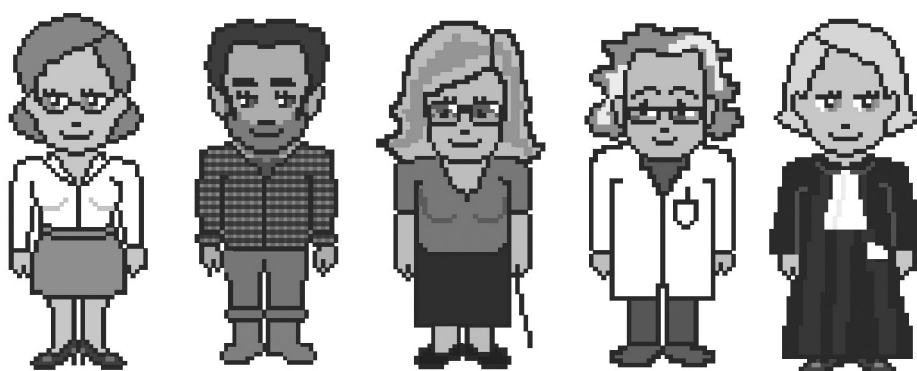
<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

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PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

**European Commission**

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<sup>(1)</sup> Text with EEA relevance

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