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[1] Text with EEA relevance

(Continued overleaf)

EN

(Continued on inside back cover)

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration

(Case COMP/M.6126 — Thermo Fisher/Dionex Corporation)

(Text with EEA relevance)

(2011/C 190/01)

On 13 May 2011, 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 32011M6126. EUR-Lex is the on-line access to the European law.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

DECISION OF THE BUREAU OF THE EUROPEAN PARLIAMENT

of 6 June 2011

concerning the rules governing the treatment of confidential information by the European Parliament

(2011/C 190/02)

THE BUREAU OF THE EUROPEAN PARLIAMENT,

Having regard to Rule 23(12) of the Rules of Procedure of the European Parliament,

Whereas:

(1) In the light of the Framework Agreement on relations between the European Parliament and the European Commission [1] signed on 20 October 2010 ('the Framework Agreement'), it is necessary to revise the Bureau Decision of 13 November 2006 on the rules governing the administrative processing of confidential documents.

(2) The Lisbon Treaty assigns new tasks to the European Parliament and, in order to develop Parliament's activities in those areas which require a degree of confidentiality, it is necessary to lay down basic principles, minimum standards of security and appropriate procedures for the treatment by the European Parliament of confidential, including classified, information.

(3) The rules laid down in this Decision aim at ensuring equivalent standards of protection and compatibility with the rules adopted by other institutions, bodies, offices and agencies established by virtue or on the basis of the Treaties or by Member States, in order to facilitate the smooth functioning of the decision-making process of the European Union.

(4) The provisions of this Decision are without prejudice to Article 15 of the Treaty on the Functioning of the European Union (TFEU) and to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [2].

(5) The provisions of this Decision are without prejudice to Article 16 of the TFEU and to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data [3],

HAS ADOPTED THIS DECISION:

Article 1

Objective

This Decision governs the creation, reception, forwarding and storage of confidential information by the European Parliament with a view to the appropriate protection of its confidential nature. It implements, in particular, Annex 2 to the Framework Agreement.

[1] OJ L 304, 20.11.2010, p. 47.

[2] OJ L 145, 31.5.2001, p. 43.

[3] OJ L 8, 12.1.2001, p. 1.

Article 2

Definitions

For the purposes of this Decision:

(a) 'information' means any written or oral information, whatever the medium and whoever the author may be;

(b) 'confidential information' means 'EU classified information' (EUCI), and non-classified 'other confidential information';

(c) 'EU classified information' (EUCI) means any information and material, classified as 'TRÈS SECRET UE/EU TOP SECRET', 'SECRET UE/EU SECRET', 'CONFIDENTIEL UE/EU CONFIDENTIAL' or 'RESTREINT UE/EU RESTRICTED', unauthorised disclosure of which could cause varying degrees of prejudice to EU interests, or to those of one or more of its Member States, whether such information originates within the institutions, bodies, offices and agencies established by virtue or on the basis of the Treaties or is received from Member States, third States or international organisations. In this regard:

— 'TRÈS SECRET UE/EU TOP SECRET' is the classification for information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the Union or of one or more of the Member States,

— 'SECRET UE/EU SECRET' is the classification for information and material the unauthorised disclosure of which could seriously harm the essential interests of the Union or of one or more of the Member States,

— 'CONFIDENTIEL UE/EU CONFIDENTIAL' is the classification for information and material the unauthorised disclosure of which could harm the essential interests of the Union or of one or more of the Member States,

— 'RESTREINT UE/EU RESTRICTED' is the classification for information and material the unauthorised disclosure of which could be disadvantageous to the interests of the Union or of one or more of the Member States;

(d) 'other confidential information' means any other non-classified confidential information, including information covered by data protection rules or by the obligation of professional secrecy, created in the European Parliament or forwarded by other institutions, bodies, offices and agencies established by virtue or on the basis of the Treaties or by Member States to the European Parliament;

(e) 'document' means any recorded information regardless of its physical form or characteristics;

(f) 'material' means any document or item of machinery or equipment, either manufactured or in the process of manufacture;

(g) 'need to know' means the need of a person to have access to confidential information in order to be able to perform an official function or a task;

(h) 'authorisation' means a decision (clearance decision), adopted by the President if it concerns Members of the European Parliament and by the Secretary-General if it concerns officials of the European Parliament and other Parliament employees working for political groups, to grant an individual access to EUCI up to a specific level, on the basis of a positive result of a security screening (vetting) carried out by a national authority under national law and pursuant to the provisions laid down in Annex I, part 2;

(i) 'downgrading' means a reduction in the level of classification;

(j) 'declassification' means the removal of any classification;

(k) 'originator' means the duly authorised author of EUCI or of any other confidential information;

(l) 'security notices' mean technical implementing measures as laid down in Annex II [1].

Article 3

Basic principles and minimum standards

1. The treatment of confidential information by the European Parliament shall follow the basic principles and minimum standards laid down Annex I, part 1.

2. The European Parliament shall set up an information security management system (ISMS) in accordance with those basic principles and minimum standards which shall aim at facilitating Parliamentary and administrative work, while ensuring the protection of any confidential information processed by the European Parliament, in full respect of the rules established by the originator of such information as laid down in the security notices.

The processing of confidential information by means of automated information systems (IS) of the European Parliament shall be implemented in accordance with the concept of information assurance (IA) and laid down in the security notices.

[1] Annex to be adopted.

3. Members of the European Parliament may consult classified information up to and including the level of 'CONFIDENTIEL UE/EU CONFIDENTIAL' without security clearance. For information classified as 'CONFIDENTIEL UE/EU CONFIDENTIAL', they shall sign a solemn declaration that they will not disclose the contents of that information to third persons. Information classified above the level of 'CONFIDENTIEL UE/EU CONFIDENTIAL' shall be made available only to Members who hold the appropriate level of security clearance.

4. Officials of the European Parliament and other Parliament employees working for political groups may consult confidential information if they have an established 'need to know', and may consult classified information above the level of 'RESTREINT UE/EU RESTRICTED' if they hold the appropriate level of security clearance.

Article 4

Creation of confidential information and administrative handling by the European Parliament

1. The President of the European Parliament, the chairs of the parliamentary committees concerned and the Secretary-General and/or any person duly authorised by him or her in writing may originate confidential information and/or classify information as laid down in the security notices.

2. When creating classified information, the originator shall apply the appropriate level of classification in line with the international standards and definitions set out in Annex I. The originator shall also determine, as a general rule, the addressees who are to be authorised to consult the information commensurate to the level of classification. This information shall be communicated to the Confidential Information Service (CIS) when the document is deposited with the CIS.

3. Confidential information covered by professional secrecy shall be dealt with in accordance with the handling instructions defined in the security notices.

Article 5

Reception of confidential information by the European Parliament

1. Confidential information received by the European Parliament shall be communicated as follows:

— EUCI classified as 'RESTREINT UE/EU RESTRICTED' and other confidential information to the secretariat of the parliamentary body/office-holder who submitted the request therefor,

— EUCI classified as 'CONFIDENTIEL UE/EU CONFIDENTIAL' and above to the CIS.

2. The registration, storage and traceability of confidential information shall be assured either by the secretariat of the parliamentary body/office-holder which received the information or by the CIS.

3. In the case of confidential information communicated by the Commission pursuant to the Framework Agreement, the agreed arrangements within the meaning of point 3.2 of Annex 2 to the Framework Agreement (laid down by common accord and concerning addressees, consultation procedure, i.e. secure reading room and meetings in camera, or other matters) designed to preserve the confidentiality of the information shall be deposited together with the confidential information at the secretariat of the parliamentary body/office holder or at the CIS when the information is classified as 'CONFIDENTIEL UE/EU CONFIDENTIAL' or above.

4. The arrangements referred to in paragraph 3 may also be applied *mutatis mutandis* for the communication of confidential information by other institutions, bodies, offices and agencies established by virtue or on the basis of the Treaties or by Member States.

5. EUCI classified as 'TRÈS SECRET UE/EU TOP SECRET' shall be transmitted to the European Parliament subject to further arrangements, to be agreed between the parliamentary body/office holder who submitted the request for the information and the EU institution or the Member State by whom it is communicated. An oversight committee shall be set up by the Conference of Presidents. It shall aim at ensuring a level of protection commensurate with that level of classification.

Article 6

Communication of EUCI by the European Parliament to third parties

The European Parliament may, subject to the originator's consent, forward EUCI to other institutions, bodies, offices and agencies established by virtue or on the basis of the Treaties or to Member States on the condition that they ensure that, when EUCI is handled, rules equivalent to those laid down in this Decision are respected within their services and premises.

Article 7

Storage and consultation of confidential information in secured areas (secure reading rooms)

1. Secure reading rooms shall provide for secure storage and shall not contain photocopying machines, telephones, fax facilities, scanners or any other technical equipment for the reproduction or transmission of documents.

2. The following conditions shall govern access to a secure reading room:

(a) only the following persons shall have access:

— Members of the European Parliament, officials of the European Parliament and other Parliament employees working for political groups, duly identified in accordance with the arrangements referred to in Article 4(2) or Article 5(3) and (4),

— the European Parliament's officials responsible for managing the CIS,

— as necessary, the European Parliament's officials responsible for security and fire safety.

Cleaning of the secured area shall only occur in the presence of and under close surveillance of an official working in the CIS;

(b) each person wishing to access the confidential information shall communicate in advance his or her name to the CIS. The CIS shall check the identity of each person who submits an application to consult that information and verify, where relevant, consult it in accordance with the arrangements referred to in Article 4(2) or Article 5(3) and (4);

(c) the CIS shall be empowered to deny access to the room to any person not authorised to enter it pursuant to points (a) and (b). Any objection challenging the decision by the CIS shall be submitted to the President, in the case of Members of the European Parliament, and to the Secretary-General, in other cases.

3. The following conditions shall govern the consultation of confidential information in the secure reading room:

(a) persons who are authorised to consult the information and who have submitted the application referred to in point (b) of paragraph 2 shall present themselves to the CIS.

Save in exceptional circumstances (e.g. where numerous requests for consultation are submitted in a short period of time), only one person at a time shall be authorised to consult confidential information in the secure reading room, in the presence of an official of the CIS.

That official shall inform the person thus authorised of his/her obligations and, in particular, shall ask him/her to sign a solemn declaration undertaking not to disclose the content of the information to any third person;

(b) during the consultation process, contact with the exterior (including by means of telephones or other technologies), the taking of notes and the photocopying or photographing of the confidential information consulted shall be prohibited;

(c) before authorising a person to leave the secure reading room, the official of the CIS referred to in point (a) shall check that the confidential information consulted is still present, intact and complete.

4. In the event of a breach of the rules set out above, the official responsible for the CIS shall inform the Secretary-General, who shall refer the matter to the President, should the perpetrator be a Member of the European Parliament.

Article 8

Minimum standards for other consultation of confidential information

1. As regards the administrative processing of confidential information at a meeting in camera, the secretariat of the parliamentary body/office holder responsible for the meeting shall ensure that:

— only the persons designated to participate in the meeting and holding the necessary level of security clearance are allowed to enter the meeting room,

— all documents are numbered, distributed at the beginning of the meeting and collected again at the end, and that no notes of those documents and no photocopies or photographs thereof are taken,

— the minutes of the meeting make no mention of the content of the discussion of the information considered under the confidential procedure,

— confidential information provided orally to recipients in the European Parliament is subject to the equivalent level of protection as that applied to confidential information in written form. This may include a solemn declaration by the recipients of that information not to divulge its contents to any third person.

2. The following rules shall apply to the administrative processing of confidential information by the secretariat of the parliamentary body/office holder outside the meeting in camera:

— the hard copy documents shall be handed over in person to the head of the secretariat, who shall register them and provide an acknowledgement of receipt,

— such documents shall be kept in a locked location, under the responsibility of the secretariat, when they are not actually being used,

— without prejudice to the administrative processing of confidential information at a meeting in camera as provided for in paragraph 1, in no case may they be duplicated, saved on another medium, or transmitted to any person,

— access to such documents shall be restricted to the addressees thereof and shall, in accordance with the arrangements referred to in Article 4(2) or Article 5(3) or (4), be under the supervision of the secretariat,

— the secretariat shall keep a record of the persons who have consulted the documents, and of the date and time of such consultation. That record shall be transmitted to the CIS in view of the establishment of the annual report referred to in Article 12.

Article 9

Archiving of confidential information

1. Secure archiving facilities shall be provided on the European Parliament's premises.

Confidential information definitively deposited with the CIS or the secretariat of the parliamentary body/office-holder shall be transferred to the secure archive in the CIS six months after they were last consulted and, at the latest, one year after they were deposited.

2. The CIS shall be responsible for managing the secure archives, in accordance with standard archiving criteria.

3. Confidential information held in the secure archives may be consulted subject to the following conditions:

— only those persons identified by name or by office in the accompanying document drawn up when the confidential information was deposited shall be authorised to consult that information,

— the application to consult confidential information must be submitted to the CIS, which shall transfer the document in question to the secure reading room,

— the procedures and conditions governing the consultation of confidential information set out in Article 7 shall apply.

Article 10

Downgrading and declassification of EUCI

1. EUCI may be downgraded or declassified only with the permission of the originator, and, if necessary, after discussion with other interested parties. Downgrading or declassification shall be confirmed in writing. The originator shall be responsible for informing its addressees of the change, and they in turn shall be responsible for informing any subsequent addressees to whom they have sent or copied the document, of the change. If possible, originators shall specify on classified documents a date, period or event when the contents may be downgraded or declassified. Otherwise, they shall keep the documents under review every five years, at the latest, in order to ensure that the original classification is necessary.

2. Declassification of documents held in the secure archives will take place at the latest after 30 years pursuant to the provisions of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community [1]. Declassification will be effected by the originator of the classified information or the service currently responsible in accordance with Annex I, Part 1, Section 10.

Article 11

Breaches of confidentiality

1. Breaches of confidentiality in general, and of this Decision in particular, shall in the case of Members of the European Parliament entail the application of the relevant provisions concerning penalties set out in the European Parliament's Rules of Procedure.

2. Breaches committed by staff shall lead to the application of the procedures and penalties provided for by, respectively, the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68 [2] ('the Staff Regulations').

3. The President and the Secretary-General shall organise any necessary investigations.

Article 12

Adaptation of this Decision and its implementing rules and annual reporting on the application of this Decision

1. The Secretary-General shall propose any necessary adaptation of this Decision and the annexes implementing it and shall forward those proposals to the Bureau for decision.

2. The Secretary-General shall submit an annual report to the Bureau on the application of this Decision.

[1] OJ L 43, 15.2.1983, p. 1.
[2] OJ L 56, 4.3.1968, p. 1.

Article 13

Transitional and final provisions

1. Confidential information existing in the CIS or in the archives before the application of this Decision shall be classified 'RESTREINT UE/EU RESTRICTED' by default unless its originator decides either not to classify it or to classify it at a higher classification level or with a marking within one year from the date of entry into force of this Decision.

2. If its originator decides to give such confidential information a higher classification level, it shall be classified at the lowest possible level by the originator or its delegates, in liaison with the CIS and in accordance with the criteria laid down in the Annex I.

3. The Decision of the Bureau of 13 November 2006 on the rules governing the administrative processing of confidential documents is repealed.

4. The Decision of the Bureau of 24 October 2005 mandating the Secretary-General to set up a declassification committee and to adopt decisions on the issue of declassification is repealed.

Article 14

Entry into force

1. This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

2. It shall apply from 1 July 2011.

ANNEX I

PART 1

BASIC PRINCIPLES AND MINIMUM STANDARDS OF SECURITY FOR THE PROTECTION OF CONFIDENTIAL INFORMATION

1. **Introduction**

These provisions lay down the basic principles and minimum standards of security to be complied with by the European Parliament in all its places of employment, as well as by all recipients of EUCI and other confidential information, so that security is safeguarded and all persons concerned may be assured that a common standard of protection is established. They are supplemented by rules governing the treatment of confidential information by parliamentary committees and other parliamentary bodies/office-holders.

2. **General principles**

The European Parliament's security policy forms an integral part of its general internal management policy and is thus based on the principles governing that general policy. Those principles include legality, transparency, accountability, and subsidiarity and proportionality.

The principle of legality entails the need to remain strictly within the legal framework in the execution of security functions, and to conform to the applicable legal requirements. It also means that responsibilities in the security domain must be based on proper legal provisions. The provisions of the Staff Regulations, in particular Article 17 thereof on the obligation of staff to refrain from any unauthorised disclosure of information received in the line of duty and Title VI thereof on disciplinary measures, are fully applicable. Finally, it means that breaches of security within the responsibility of the European Parliament must be dealt with in a manner consistent with the European Parliament's policy on disciplinary measures.

The principle of transparency entails the need for clarity regarding all security rules and provisions, for a balance to be struck between the different services and the different domains (physical security as compared to the protection of information, etc.), and for a consistent and structured security awareness policy. It also means that clear written guidelines are necessary for the implementation of security measures.

The principle of accountability means that responsibilities in the field of security will be clearly defined. Moreover, it entails the need regularly to monitor whether those responsibilities have been properly fulfilled.

The principle of subsidiarity means that security shall be organised at the lowest possible level and as closely as possible to the European Parliament's Directorates-General and services. The principle of proportionality means that security activities shall be strictly limited to what is absolutely necessary and that security measures shall be proportional to the interests to be protected and to the actual or potential threat to those interests, so as to enable them to be defended in a way which causes the least possible disruption.

3. **Foundations of information security**

The foundations of sound information security are:

(a) within the European Parliament, an INFOSEC (information security) assurance service responsible for working with the security authority concerned to provide information and advice on technical threats to security and the means of protecting against them;

(b) close cooperation between the European Parliament's responsible services and the security services of the other EU institutions.

4. **Principles of information security**

4.1. *Objectives*

The principle objectives of information security are as follows:

(a) to safeguard EUCI and other confidential information against espionage, compromise or unauthorised disclosure;

(b) to safeguard EUCI handled in communications and information systems and networks against threats to its confidentiality, integrity and availability;

(c) to safeguard European Parliament premises housing EUCI against sabotage and malicious wilful damage;

(d) in the event of a security failure, to assess the damage caused, limit its consequences, conduct security investigations and adopt the necessary remedial measures.

4.2. *Classification*

4.2.1. Where confidentiality is concerned, care and experience are needed in the selection of the information and material to be protected and the assessment of the degree of protection required. It is fundamental that the degree of protection should correspond to the sensitivity, in terms of security, of the individual item of information or material to be safeguarded. In order to ensure the smooth flow of information, both over-classification and under-classification shall be avoided.

4.2.2. The classification system is the instrument by which effect is given to the principles set out in this section; a similar system of classification shall be followed in planning and organising ways to counter espionage, sabotage, terrorism and other threats, so that the maximum protection is afforded to the most important premises housing EUCI and to the most sensitive points within them.

4.2.3. Responsibility for classifying information lies solely with the originator of the information concerned.

4.2.4. The level of classification may solely be based on the content of that information.

4.2.5. Where a number of items of information are grouped together, the classification level to be applied to the whole must at least be as high as the highest classification applied individually to those items. A collection of information may however be given a higher classification than its constituent parts.

4.2.6. Classifications shall be assigned only when necessary and for as long as necessary.

4.3. *Aims of security measures*

The security measures shall:

(a) extend to all persons having access to EUCI, EUCI-carrying media, and other confidential information, as well as all premises containing such information and important installations;

(b) be designed to detect persons whose position might jeopardise the security of such information and of important installations housing such information, and provide for their exclusion or removal;

(c) prevent any unauthorised person from having access to such information or to installations containing it;

(d) ensure that such information is disseminated solely on the basis of the need-to-know principle that is fundamental to all aspects of security;

(e) ensure the integrity (i.e. prevent corruption, unauthorised alteration or unauthorised deletion) and the availability (to those needing and authorised to have access thereto) of all confidential information, whether classified or not classified, and especially where it is stored, processed or transmitted in electromagnetic form.

5. **Common minimum standards**

The European Parliament shall ensure that common minimum standards of security are observed by all recipients of EUCI, both inside the institution and under its competence, namely all its services and contractors, so that such information can be passed on in the confidence that it will be handled with equal care. Such minimum standards shall include criteria for the security clearance of officials of the European Parliament and other Parliament employees working for political groups, and procedures for the protection of confidential information.

The European Parliament shall allow outside bodies access to such information only on condition that they ensure that it is handled in accordance with provisions that are at least strictly equivalent to these common minimum standards.

Such common minimum standards shall also be applied when, pursuant to a contract or grant, the European Parliament entrusts to industrial or other entities tasks involving confidential information.

6. **Security for officials of the European Parliament and other Parliament employees working for political groups**

6.1. *Security instructions for officials of the European Parliament and other Parliament employees working for political groups*

Officials of the European Parliament and other Parliament employees working for political groups in positions where they could have access to EUCI shall be given thorough instructions, both on taking up their assignment and at regular intervals thereafter, in the need for security and the procedures for achieving it. Such persons shall be required to certify in writing that they have read and fully understand the applicable security provisions.

6.2. *Management responsibilities*

Managers shall have the duty of knowing those of their staff who are engaged in work on classified information or who have access to secure communication or information systems, and to record and report any incidents or apparent vulnerabilities which are likely to affect security.

6.3. *Security status of officials of the European Parliament and other Parliament employees working for political groups*

Procedures shall be established to ensure that, when adverse information becomes known concerning an official of the European Parliament or other Parliament employee working for a political group, steps are taken to determine whether that individual's work brings him or her into contact with classified information or whether he or she has access to secure communication or information systems, and that the European Parliament's responsible service is informed. If it is established that such an individual constitutes a security risk, he or she shall be barred or removed from assignments where he or she might endanger security.

7. **Physical security**

'Physical security' means the application of physical and technical protective measures to prevent unauthorised access to EUCI.

7.1. *Need for protection*

The degree of physical security measures to be applied to ensure the protection of EUCI shall be proportional to the classification and volume of, and the threat to, the information and material held. All holders of EUCI shall follow uniform practices regarding classification of such information and must meet common standards of protection regarding the custody, transmission and disposal of information and material requiring protection.

7.2. *Checking*

Before leaving areas containing EUCI unattended, persons having custody thereof shall ensure that it is securely stored and that all security devices have been activated (locks, alarms, etc.). Further independent checks shall be carried out after working hours.

7.3. *Security of buildings*

Buildings housing EUCI or secure communication and information systems shall be protected against unauthorised access.

The nature of the protection afforded to EUCI, e.g. barring of windows, locks for doors, guards at entrances, automated access control systems, security checks and patrols, alarm systems, intrusion detection systems and guard dogs, shall depend on:

(a) the classification, volume and location within the building of the information and material to be protected;

(b) the quality of the security containers for the information and material concerned; and

(c) the physical nature and location of the building.

The nature of the protection afforded to communication and information systems shall depend on an assessment of the value of the assets at stake and of the potential damage if security were to be compromised, on the physical nature and location of the building in which the system is housed, and on the location of that system within the building.

7.4. *Contingency plans*

Detailed plans shall be prepared in advance for the protection of classified information during an emergency.

8. **Security designators, markings, affixing and classification management**

8.1. *Security designators*

No classifications other than those defined in Article 2(c) of this Decision are permitted.

An agreed security designator may be used to set limits to the validity of a classification (for classified information signifying automatic downgrading or declassification). That designator shall either be 'UNTIL … (time/date)' or 'UNTIL … (event)'.

Additional security designators such as CRYPTO or any other EU-recognised security designator shall apply where there is a need for limited distribution and special handling in addition to that designated by the security classification.

Security designators shall only be used in combination with a classification.

8.2. *Markings*

A marking may be used to specify the field covered by a given document or a particular distribution on a need-to-know basis, or (for non-classified information) to signify the end of an embargo.

A marking is not a classification and must not be used in lieu of one.

8.3. *Affixing of classifications and of security designators*

Classifications shall be affixed as follows:

(a) on documents classified as 'RESTREINT UE/EU RESTRICTED', by mechanical or electronic means;

(b) on documents classified as 'CONFIDENTIEL UE/EU CONFIDENTIAL', by mechanical means or by hand or by printing on pre-stamped, registered paper;

(c) on documents classified as 'SECRET UE/EU SECRET' and 'TRÈS SECRET UE/EU TOP SECRET', by mechanical means or by hand.

Security designators shall be affixed directly under the classification, by the same means as those used for affixing classifications.

8.4. *Classification management*

8.4.1. General

Information shall be classified only when necessary. The classification shall be clearly and correctly indicated, and shall be maintained only as long as the information requires protection.

The responsibility for classifying information and for any subsequent downgrading or declassification rests solely with the originator.

Officials of the European Parliament shall classify, downgrade or declassify information on instructions from or pursuant to a delegation from the Secretary-General.

The detailed procedures for the treatment of classified documents shall be so framed as to ensure that they are afforded protection appropriate to the information which they contain.

The number of persons authorised to originate 'TRÈS SECRET UE/EU TOP SECRET' documents shall be kept to a minimum, and their names shall be kept on a list drawn up by the CIS.

8.4.2. Application of classification

The classification of a document shall be determined by the level of sensitivity of its contents in accordance with the definitions contained in Article 2(c). It is important that classification be correctly and sparingly used, especially as regards the 'TRÈS SECRET UE/EU TOP SECRET' classification.

The classification of a letter or note containing enclosures shall be as high as the highest classification granted to one of its enclosures. The originator shall indicate clearly the level at which the letter or note should be classified when detached from its enclosures.

The originator of a document that is to be given a classification shall bear in mind the rules set out above and shall curb any tendency to over- or under-classify.

Individual pages, paragraphs, sections, annexes, appendices, attachments and enclosures of a given document may require different classifications and shall be classified accordingly. The classification of the document as a whole shall be that of its most highly classified part.

9. **Inspections**

Periodic inspections of the security arrangements for the protection of EUCI shall be carried out by the European Parliament's directorate responsible for security, which may be assisted in this task by the CIS.

The European Parliament's directorate responsible for security and the security services of other institutions, bodies, offices and agencies established by virtue or on the basis of the Treaties holding EUCI may also agree to carry out peer evaluations of the security arrangements for the protection of EUCI.

10. **Declassification procedure**

10.1. The CIS will examine EUCI and will make proposals on a declassification to the originator of a document by no later than the 25th year following the date of its creation. Documents not declassified at the first examination shall be re-examined periodically and at least every five years.

10.2. In addition to being applied to documents actually located in the secure archives and duly classified, the declassification process may also cover other confidential information existing in either the secure archives or the European Parliament Archive and Documentation Centre (CARDOC).

10.3. On behalf of the originator, the CIS will be responsible for informing the addressees of the document of the change to the classification, and they in turn shall be responsible for informing any subsequent addressees to whom they have sent or copied the document.

10.4. Declassification does not affect any markings which may appear on the document.

10.5. The original classification at the top and bottom of every page shall be crossed out. The first (cover) page of the document shall be stamped and completed with the reference of the CIS.

10.6. The text of the declassified document shall be attached to the electronic fiche or equivalent system where it has been registered.

10.7. In the case of documents covered by the exception relating to privacy and the integrity of the individual or commercial interests of a natural or legal person and in the case of sensitive documents, Article 2 of Regulation (EEC, Euratom) No 354/83 shall apply.

10.8. In addition to the provisions of points 10.1 to 10.7, the following rules shall apply:

(a) as regards third-party documents, the CIS will consult the third party concerned before proceeding to carry out the declassification. The third party will have eight weeks in which to submit remarks;

(b) as regards the exception relating to privacy and the integrity of the individual, the declassification procedure will take into account, in particular, the agreement of the person concerned, the impossibility of identifying the person concerned and/or the fact that that person is no longer alive;

(c) as regards the exception relating to commercial interests of a natural or legal person, the person concerned can be notified via publication in the *Official Journal of the European Union* and given four weeks from the day of that publication in which to submit remarks.

PART 2

SECURITY CLEARANCE PROCEDURE

11. **Security clearance procedure for Members of the European Parliament**

11.1. In light of the European Parliament's prerogatives and competences, its Members may be granted access to EUCI up to and including the level of 'CONFIDENTIEL UE/EU CONFIDENTIEL' without security clearance. For information classified as 'CONFIDENTIEL UE/EU CONFIDENTIAL', they shall sign of a solemn declaration that they will not disclose the contents of that information to any third person.

11.2. In order to have access to information classified as 'TRÈS SECRET UE/EU TOP SECRET', or 'SECRET UE/EU SECRET', Members of the European Parliament must have been authorised in accordance with the procedure referred to in points 11.3 and 11.4.

11.3. Authorisation shall be granted only to Members of the European Parliament who have undergone security screening by the competent national authorities of the Member States in accordance with the procedure referred to in points 11.9 to 11.14. The President shall be responsible for granting the authorisation for Members.

11.4. The President may grant authorisation after obtaining the opinion of the competent national authorities of the Member States on the basis of security screening carried out in accordance with points 11.8 to 11.13.

11.5. The European Parliament's directorate responsible for security shall maintain an up-to-date list of all Members of the European Parliament who have been granted authorisation, including provisional authorisation within the meaning of point 11.15.

11.6. Authorisation shall be valid for a period of five years or for the duration of the tasks in respect of which it was granted, whichever is the shorter. It may be renewed in accordance with the procedure laid down in point 11.4.

11.7. Authorisation shall be withdrawn by the President where he/she considers that there are justified grounds for doing so. Any decision to withdraw authorisation shall be notified to the Member of the European Parliament concerned, who may ask to be heard by the President before the withdrawal takes effect, and to the competent national authority.

11.8. Security screening shall be carried out with the assistance of the Member of the European Parliament concerned and at the request of the President. The competent national authority for screening is that of the Member State of which the Member concerned is a national.

11.9. As part of the screening procedure, the Member of the European Parliament concerned shall be required to complete a personal information form.

11.10. The President shall specify in his/her request to the competent national authorities the level of classified information to be made available to the Member of the European Parliament concerned, so that they may carry out the screening process.

11.11. The entire security-screening process carried out by the competent national authorities, together with the results obtained, shall be in accordance with the relevant rules and regulations in force in the Member State concerned, including those concerning appeals.

11.12. Where the competent national authorities of the Member State give a positive opinion, the President may grant the Member of the European Parliament concerned authorisation.

11.13. A negative opinion by the competent national authorities shall be notified to the Member of the European Parliament concerned, who may ask to be heard by the President. Should he/she consider it necessary, the President may ask the competent national authorities for further clarification. If the negative opinion is confirmed, authorisation shall not be granted.

11.14. All Members of the European Parliament granted authorisation within the meaning of point 11.3 shall, at the time when the authorisation is granted and at regular intervals thereafter, receive any necessary guidelines concerning the protection of classified information and the means of ensuring such protection. Such Members shall sign a declaration acknowledging receipt of those guidelines.

11.15. In exceptional circumstances, the President may, after notifying the competent national authorities and provided there is no reaction from them within one month, grant provisional authorisation to a Member of the European Parliament for a period not exceeding six months, pending the outcome of the screening referred to in point 11.11. The provisional authorisations thus granted shall not give access to information classified as 'TRÈS SECRET UE/EU TOP SECRET'.

12. **Security clearance procedure for officials of the European Parliament and other Parliament employees working for political groups**

12.1. Only officials of the European Parliament and other Parliament employees working for political groups who, by reason of their duties and in the requirements of the service, need to have knowledge of, or to use, classified information, may have access to such information.

12.2. In order to have access to information classified as 'TRÈS SECRET UE/EU TOP SECRET', 'SECRET UE/EU SECRET' and 'CONFIDENTIEL UE/EU CONFIDENTIAL', the persons referred to in point 12.1 must have been authorised in accordance with the procedure laid down in points 12.3 and 12.4.

12.3. Authorisation shall be granted only to the persons referred to in point 12.1 who have undergone security screening by the competent national authorities of the Member States in accordance with the procedure referred to in points 12.9 to 12.14. The Secretary-General shall be responsible for granting the authorisation for officials of the European Parliament and other Parliament employees working for political groups.

12.4. The Secretary General may grant authorisation after obtaining the opinion of the competent national authorities of the Member States on the basis of security screening carried out in accordance with points 12.8 to 12.13.

12.5. The European Parliament's directorate responsible for security shall maintain an up-to-date list of all posts requiring a security clearance, as provided by the relevant European Parliament services and of all persons who have been granted authorisation, including provisional authorisation within the meaning of point 12.15.

12.6. Authorisation shall be valid for a period of five years or for the duration of the tasks in respect of which it was granted, whichever is the shorter. It may be renewed in accordance with the procedure referred to in point 12.4.

12.7. Authorisation shall be withdrawn by the Secretary-General where he/she considers that there are justifiable grounds for doing so. Any decision to withdraw authorisation shall be notified to the official of the European Parliament or other Parliament employee working for a political group concerned, who may ask to be heard by the Secretary-General before the withdrawal takes effect, and to the competent national authority.

12.8. Security screening shall be carried out with the assistance of the person concerned and at the request of the Secretary-General. The competent national authority for screening is that of the Member State of which the person concerned is a national. Where permissible under national laws and regulations, the competent national authorities may conduct investigations in respect of non-nationals who require access to information classified as 'CONFIDENTIEL UE/EU CONFIDENTIAL' or above.

12.9. As part of the screening procedure, the official of the European Parliament or other Parliament employee working for a political group concerned shall be required to complete a personal information form.

12.10. The Secretary-General shall specify in his/her request to the competent national authorities the level of classified information to be made available to the person concerned, so that they may carry out the screening process and give their opinion as to the level of authorisation it would be appropriate to grant to that person.

12.11. The entire security-screening process carried out by the competent national authorities, together with the results obtained, shall be subject to the relevant rules and regulations in force in the Member State concerned, including those concerning appeals.

12.12. Where the competent national authorities of the Member State give a positive opinion, the Secretary-General may grant the person concerned authorisation.

12.13. A negative opinion by the competent national authorities shall be notified to the official of the European Parliament or other Parliament employee working for a political group concerned, who may ask to be heard by the Secretary-General. Should he/she consider it necessary, the Secretary-General may ask the competent national authorities for further clarification. If the negative opinion is confirmed, authorisation shall not be granted.

12.14. All officials of the European Parliament and other Parliament employees working for political groups who are granted authorisation within the meaning of points 12.4 and 12.5 shall, at the time when the authorisation is granted and at regular intervals thereafter, receive any necessary instructions concerning the protection of classified information and the means of ensuring such protection. Such officials and employees shall sign a declaration acknowledging receipt of those instructions and give an undertaking to obey them.

12.15. In exceptional circumstances, the Secretary-General may, after notifying the competent national authorities and provided there is no reaction from them within one month, grant provisional authorisation to an official of the European Parliament or other Parliament employee working for a political group for a period not exceeding six months, pending the outcome of the screening referred to in point 12.11 of this section. Provisional authorisations thus granted shall not give access to information classified as 'TRÈS SECRET UE/EU TOP SECRET'.

EUROPEAN COMMISSION

Euro exchange rates [1]

29 June 2011

(2011/C 190/03)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,4425	AUD	Australian dollar	1,3585
JPY	Japanese yen	116,93	CAD	Canadian dollar	1,4037
DKK	Danish krone	7,4592	HKD	Hong Kong dollar	11,2265
GBP	Pound sterling	0,89980	NZD	New Zealand dollar	1,7559
SEK	Swedish krona	9,2047	SGD	Singapore dollar	1,7799
CHF	Swiss franc	1,2036	KRW	South Korean won	1 553,32
ISK	Iceland króna		ZAR	South African rand	9,8846
NOK	Norwegian krone	7,8055	CNY	Chinese yuan renminbi	9,3235
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,3833
CZK	Czech koruna	24,342	IDR	Indonesian rupiah	12 412,97
HUF	Hungarian forint	267,05	MYR	Malaysian ringgit	4,3727
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	62,770
LVL	Latvian lats	0,7093	RUB	Russian rouble	40,3780
PLN	Polish zloty	3,9987	THB	Thai baht	44,429
RON	Romanian leu	4,2105	BRL	Brazilian real	2,2687
TRY	Turkish lira	2,3604	MXN	Mexican peso	16,9954
			INR	Indian rupee	64,7210

[1] *Source*: reference exchange rate published by the ECB.

NOTICES FROM MEMBER STATES

Update of the list of border crossing points referred to in Article 2(8) of Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ C 316, 28.12.2007, p. 1; OJ C 134, 31.5.2008, p. 16; OJ C 177, 12.7.2008, p. 9; OJ C 200, 6.8.2008, p. 10; OJ C 331, 31.12.2008, p. 13; OJ C 3, 8.1.2009, p. 10; OJ C 37, 14.2.2009, p. 10; OJ C 64, 19.3.2009, p. 20; OJ C 99, 30.4.2009, p. 7; OJ C 229, 23.9.2009, p. 28; OJ C 263, 5.11.2009, p. 22; OJ C 298, 8.12.2009, p. 17; OJ C 74, 24.3.2010, p. 13; OJ C 326, 3.12.2010, p. 17; OJ C 355, 29.12.2010, p. 34; OJ C 22, 22.1.2011, p. 22; OJ C 37, 5.2.2011, p. 12; OJ C 149, 20.5.2011, p. 8)

(2011/C 190/04)

The publication of the list of border crossing points referred to in Article 2(8) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) is based on the information communicated by the Member States to the Commission in conformity with Article 34 of the Schengen Borders Code.

In addition to the publication in the Official Journal, a regular update is available on the website of the Directorate-General for Home Affairs.

SPAIN

Amendment of the information published in OJ C 316, 28.12.2007 and OJ C 74, 24.3.2010

Air borders

New border crossing point: Castellón

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

SUMMARY OF EFTA SURVEILLANCE AUTHORITY DECISION

No 322/10/COL

of 14 July 2010

relating to a proceeding under Article 54 of the EEA Agreement against Posten Norge AS

(Case No 34250 Posten Norge/Privpak)

(Only the English and Norwegian texts are authentic)

(2011/C 190/05)

On 14 July 2010, the EFTA Surveillance Authority (the Authority) adopted a decision relating to a proceeding pursuant to Article 54 of the EEA Agreement. In accordance with the provisions of Article 30 of Chapter II of Protocol 4 to the Surveillance and Court Agreement, the Authority herewith publishes the names of the parties 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 full text of the decision can be found in the authentic languages of the case on the Authority's website at:

http://www.eftasurv.int/competition/competition-cases/

SUMMARY OF THE INFRINGEMENT

1. **Introduction**

(1) The Decision was addressed to Posten Norge AS. Posten Norge operates the national postal service in Norway. Posten Norge had a worldwide group turnover of 23 668 million Norwegian Kroner (MNOK) in 2006. Turnover outside Norway represented around 17,5 % of the total group turnover in 2006. The Norwegian State is the sole owner of Posten Norge.

(2) The complainant was Schenker Privpak AB (Privpak), a company incorporated in Sweden in 1992. Privpak delivers parcels from distance selling companies to consumers in Finland, Norway and Sweden. Schenker Privpak AB is part of the DB Schenker group of companies. DB Schenker combines all transport and logistic activities of Deutsche Bahn AG. Ultimately, Deutsche Bahn AG is 100 % owned by the German State. In Norway, Privpak has operated through Schenker Privpak AS, a limited liability company incorporated under Norwegian law.

2. **Procedure**

(3) On 24 June 2002, the Authority received a complaint from Privpak. Privpak submitted additional information by letters dated 9 December 2002, 14 January 2003, 15 August 2003 and 5 March 2004. Posten Norge replied to requests for information on 16 and 23 June 2003. Inspections were carried out at the premises of Posten Norge in Oslo from 21 to 24 June 2004. Following a number of requests for information addressed to Privpak, Posten Norge and third parties, the Authority adopted a Statement of Objections against Posten Norge on 17 December 2008. Posten Norge responded to the Statement of Objections on 3 April 2009. An oral hearing was held on 16 June 2009.

3. **The conduct of Posten Norge**

(4) In 1999, Posten Norge concluded that its existing distribution network did not sufficiently meet the market demands for accessibility and service. In addition, income from the network had been significantly reduced in recent years and its network was too costly to operate. Posten Norge therefore decided to reorganise its distribution network and to reduce the number of post offices to between 300 and 450 and to establish at least 1 100 'Post-in-Shops'. Thereby, Posten Norge would increase the accessibility of postal and financial services by increasing the total number of delivery outlets by at least 200 and improve its profitability by reducing its operating costs.

(5) Post-in-Shop is a concept developed and owned by Posten Norge for the provision of a range of postal and financial services in retail outlets such as supermarkets, grocery stores, kiosks and petrol stations. Each Post-in-Shop must offer at least the minimum basic postal and banking services which Posten Norge is required to provide in order to fulfil the requirements of the licence under which it operates. Additional products and services can be incorporated depending on the customer base of the individual Post-in-Shop. Posten Norge bears the main responsibility for the day-to-day monitoring of the Post-in-Shop, and has the right to control all aspects of the operation of the concept. The Post-in-Shop is integrated into a retail outlet and has the same opening hours as the outlet itself. The Post-in-Shop has a uniform profile and is branded in accordance with Posten Norge's general strategy.

(6) During 1999–2000 when the Post-in-Shop concept was established, Posten Norge's intention was to conclude strategic alliances with the leading grocery store, kiosk and petrol station chains/groups for the provision of postal services in shops. At the beginning of 2000, Posten Norge negotiated agreements of intent with leading retail groups and chains in that regard. Subsequently, it concluded the following agreements concerning the Post-in-Shop concept:

— a business agreement in September 2000 with NorgesGruppen/Shell, which made the NorgesGruppen/Shell group Posten Norge's preferred partner: in return, Posten Norge was granted exclusive access to all outlets within the group (group exclusivity);

— a framework agreement in January 2001 with COOP under which COOP was granted second priority status; and

— a protocol in January 2001 with ICA.

(7) Under the latter two agreements, Posten Norge was granted exclusive access to the outlets in which a Post-in-Shop was established. Standard operating agreements to be concluded with the individual outlets which hosted a Post-in-Shop were also negotiated with each group.

(8) From the beginning of 2004, Posten Norge conducted, on its own initiative, parallel negotiations with NorgesGruppen, COOP and ICA with a view to concluding new framework agreements for Post-in-Shop. These agreements aimed at replacing the existing agreements from 1 January 2006. It was proposed internally in Posten Norge that all groups be informed that Posten Norge wished (i) to conclude new framework agreements regarding Post-in-Shop; and (ii) to adjust the provisions regarding preference, but without informing the retail groups whether, and if so to whom, priority would be given, before the end of the negotiations. Posten Norge followed the proposed strategy and kept the issue of *preferred partner status* open during the negotiations.

(9) In the course of 2006, all clauses regarding exclusivity and preferred partner status were removed from the agreements of Posten Norge.

4. **Article 54 of the EEA Agreement**

4.1. *The relevant market*

(10) During the period at issue, Posten Norge provided B-to-C parcel services with over-the-counter delivery and home delivery. It also offered B-to-C parcel services for delivery abroad.

(11) Posten Norge's network for the delivery of B-to-C parcel services consisted of its post offices and Post-in-Shop outlets. This network could be supplemented by postmen in the most rural areas if needed. Posten Norge was the only supplier of B-to-C parcel services with a delivery network covering the whole of Norway.

4.1.1. The relevant product market

(12) The case concerns the provision of B-to-C parcel services with over-the-counter delivery. Over-the-counter delivery has been the predominant mode of delivery for B-to-C parcels in Norway to which consumers have been accustomed. Posten Norge has been the leading provider of B-to-C parcel delivery services; home delivery has only been a small fraction of its total volume of B-to-C parcels. The evidence did not indicate that distance selling companies regarded home delivery services as substitutes to Posten Norge's B-to-C service with over-the-counter delivery. Home delivery of B-to-C parcels requires a transport infrastructure capable of delivering parcels to each recipient's doorstep. Home delivery services and over-the-counter delivery services could only have been regarded as substitutable or interchangeable if it had been possible to switch a considerable amount of parcels from over-the-counter delivery to home delivery in the short term. The available evidence showed that this was not a realistic scenario during the relevant period. B-to-C parcel services with home delivery were therefore not included in the relevant product market.

(13) B-to-B parcel delivery services are used by business customers that require door-to-door delivery to other businesses within working hours. Such business customers are time sensitive and are prepared to pay a significantly higher price for such services. Due to the difference in price between the two services, which is likely to reflect the difference in the cost of providing those services, it would not be economical for distance selling companies to replace B-to-C parcel services with over-the-counter delivery with B-to-B parcel services. The latter services were therefore not a competitive constraint on the provision of B-to-C parcel services. Furthermore, it was not practically feasible for distance selling companies to switch to B-to-B parcel services because providers of the latter services normally required that the recipient of the parcel be a business entity and not a private person.

(14) The Authority was not aware of any supplier that offered delivery of B-to-C parcels to consumers at work to any significant extent during the period under review. Differences in characteristics, price and intended use meant that for distance selling companies, C-to-C parcel delivery was not a substitute to B-to-C parcel services with over-the-counter delivery.

(15) The Authority concluded that during the period at issue, the market for B-to-C parcels services with over-the-counter delivery was distinct from B-to-C parcel services with home delivery or delivery at work, B-to-B parcel delivery services and C-to-C parcel delivery services.

4.1.2. The relevant geographic market

(16) The geographical scope of the market for B-to-C parcels services with over-the-counter delivery was confined to Norway.

4.2. *Dominant position*

(17) Since their launch in 1997, Posten Norge has been the leading provider of B-to-C parcel services with over-the-counter delivery in Norway and has faced very little competition. Privpak was, until Tollpost's entry on the market, Posten Norge's only challenger. No distance selling companies mentioned any other competitors which provided B-to-C parcel services with over-the-counter delivery prior to autumn 2006. Tollpost decided to enter the market in autumn 2005 but became operative only in autumn 2006 and on a very small scale.

(18) The market share of Posten Norge remained above or close to 98 % throughout the relevant period. There were important barriers to entry and expansion in the relevant market during the period at issue. The possibility of new entry during that period did not constrain the market behaviour of Posten Norge to any significant extent. In the absence of alternative suppliers with significant and stable market shares, any threat by even the largest customers to move all or a very large proportion of their requirements away from Posten Norge was not credible. Posten Norge therefore remained an unavoidable trading partner throughout the relevant period.

(19) The Authority concluded that Posten Norge, during the relevant period, was in a dominant position within the meaning of Article 54 EEA on the relevant market. The relevant geographic market on which Posten Norge held that dominant position constituted a 'substantial part' of the EEA territory.

4.3. *Abuse*

4.3.1. Assessment of Posten Norge's conduct

(20) Article 54 EEA prohibits as incompatible with the functioning of the EEA Agreement any abuse by one or more undertakings of a dominant position within the territory covered by the agreement or in a substantial part of it, insofar as it may affect trade between Contracting Parties.

(21) It is settled case law that the concept of an abuse is:

'An objective concept relating to the behaviour of an undertaking in a dominant position which is such as to influence the structure of a market where, as a result of the very presence of the undertaking in question, the degree of competition is weakened and which, through recourse to methods different from those governing normal competition in products or services on the basis of transactions of commercial operators, has the effect of hindering the maintenance of the degree of competition still existing in the market or the growth of that competition' ([1]).

(22) The effects referred to in the case law cited in the preceding paragraph do not necessarily relate to the concrete or actual effects of the abusive conduct complained of. For the purposes of establishing an infringement of Article 54 EEA, it is sufficient to show that the abusive conduct of the undertaking in a dominant position tends to restrict competition or, in other words, that the conduct is capable of having or liable to have that effect. The ability of the practice in question to restrict competition may be indirect, provided that it is shown to the requisite legal standard that it is actually liable to restrict competition.

(23) The decision finds that Posten Norge abused its dominant position through the use of group and outlet exclusivity in its contractual arrangements with retail groups and through the strategy it pursued when renegotiating its agreements from 2004 onwards.

(24) The group exclusivity prevented the competitors of Posten Norge from gaining access to the whole of NorgesGruppen/Shell, which included the largest daily consumer goods retail group, the largest kiosk chain and a leading petrol station chain in Norway. The group and outlet exclusivity tied a large number of outlets in the leading grocery store, kiosk and petrol station chains in Norway to Posten Norge.

(25) From the conclusion of their agreements with Posten Norge in 2001 and well into 2002, when a large number of new Post-in-Shops were established, both COOP and ICA had an interest in getting as many Post-in-Shops as possible. The fact that Posten Norge required outlet exclusivity ruled out that a Post-in-Shop could be established in any outlet belonging to COOP or ICA to which a competing provider of B-to-C parcel services had been granted access. In other words, each and every outlet used by a competitor of Posten Norge would be excluded from the Post-in-Shop concept. Agreeing to roll

([1]) Case 85/76 *Hoffmann-La Roche* v *Commission* [1979] ECR 461, paragraph 91; Case 322/81 *Michelin* v *Commission (Michelin I)* [1983] ECR-3461, paragraph 70; Case C-62/86 *AKZO* v *Commission* [1991] ECR I-3359, paragraph 69; Case T-228/97 *Irish Sugar* v *Commission* [1999] ECR II-2969, paragraph 111; Case T-219/99 *British Airways* v *Commission* [2003] ECR II-5917, paragraph 241; Case T-271/03 *Deutsche Telekom* v *Commission*, [2008] ECR II-477, paragraph 233.

out a competing delivery concept, resulting in the establishment of several hundred 'competing' outlets in their retail networks would have significantly reduced the likelihood of COOP and ICA being awarded new Post-in-Shop outlets.

(26) During the renegotiations, Posten Norge kept the question of preferential partner status open, and thereby gave COOP and ICA the impression that they could be allocated such status or at least improve their status from 2006 onwards. This created clear disincentives for both COOP and ICA that were likely to limit their willingness to supply alternative providers of B-to-C parcel services. This was the case for at least as long as the negotiations continued and the contractual relationships with COOP and ICA were unsettled.

(27) On the basis of the available evidence, the Authority concluded that the fourth leading retail group, Reitangruppen, and the other leading petrol station chains were not prepared to roll out delivery concepts of suppliers of B-to-C parcel services in their chains. They considered that they did not have sufficient space in their outlets to provide parcel delivery services, that a parcel delivery concept would not provide sufficient business opportunities, or they expressed a negative attitude towards projects that might add costs and/or draw focus away from the chain's main strategy. The other leading grocery store, kiosk and petrol station chains were, therefore, to a large extent unavailable to Posten Norge's competitors during the relevant period.

(28) On this basis, the Authority found that Posten Norge's conduct made it considerably more difficult for new entrants to obtain access to the most sought after distribution channels in Norway. Posten Norge's conduct therefore created strategic barriers to entry on the relevant market for the provision of B-to-C parcel services with over-the-counter delivery. Consequently, the limitation of access to leading grocery store, kiosk and petrol station chains resulting from Posten Norge's conduct was liable to reduce the ability and/or incentives of rivals of Posten Norge to compete on the market for the provision of B-to-C parcel services with over-the-counter delivery.

(29) In addition, the Authority considered that Posten Norge's conduct had likely resulted in actual anti-competitive effects to the detriment of consumers. Based on the available evidence it was considered likely that, in absence of the conduct of Posten Norge, its competitors could have had access to leading grocery store and kiosk chains. That would have facilitated their entry and expansion on the relevant market, resulted in more significant competitive pressure on Posten Norge and thereby limited the market power of Posten Norge to the benefit of distance selling companies and ultimately consumers.

4.3.2. Objective justification

(30) Exclusionary conduct can fall outside the prohibition of Article 54 EEA if the dominant company can demonstrate that its conduct is objectively necessary or produces efficiencies which outweigh the negative effects on competition [1]. The dominant undertaking has the burden of proving any such objective necessity or efficiencies [2].

(31) Posten Norge argued that the group exclusivity was necessary to achieve efficiency gains by facilitating rapid implementation of the Post-in-Shop network, to ensure that none of the outlets needed for Post-in-Shops were taken by competitors, to eliminate the risk that NorgesGruppen/Shell would not contribute sufficiently to the roll-out of the Post-in-Shop concept, and to secure sufficient space for its activities in the outlets. The Authority concluded, after a detailed assessment, that Posten Norge had not shown that the group exclusivity, insofar as it applied to parcel distribution services, was necessary for any of those reasons. Further, even if it were to be accepted that the group exclusivity brought about some efficiency gains in that respect, its scope and duration were in any event excessive and therefore disproportionate.

(32) Posten Norge further argued that it paid substantial amounts to NorgesGruppen/Shell annually for the costs that the group incurred as a result of its involvement in the Post-in-Shop concept. It claimed that

[1] Case 27/76 *United Brands* v *Commission* [1978] ECR 207, paragraph 184; Case T-83/91 *Tetra Pak* v *Commission (Tetra Pak II)* [1994] ECR-II 755, paragraph 136; Case C-95/04 P *British Airways* v *Commission* [2007] ECR I-2331, paragraphs 69 and 86.

[2] See Article 2 of Chapter II, Protocol 4 to the Surveillance and Court Agreement.

it could not have ensured that those amounts were used to its benefit without the group exclusivity, and that the group exclusivity was necessary to prevent competitors from free-riding on that investment. However, the Authority found that no significant risk had been demonstrated that the payments made by Posten Norge to NorgesGruppen/Shell would benefit competing distributors of B-to-C parcels and no risk of underinvestment shown.

(33) Posten Norge argued that the outlet exclusivity was necessary to protect its promotional efforts and investments in training, to protect its intellectual property rights, to safeguard the identity and reputation of the Post-in-Shop concept, to ensure that every Post-in-Shop outlet focused on Posten Norge's concept and needs, and to protect investments in counters and physical equipment. After a detailed assessment of the arguments and information submitted by Posten Norge in that regard, the Authority found that it had not been demonstrated that there was a significant risk of free-riding on Posten Norge's promotional efforts or investments in training insofar as competing distributors of parcels were concerned. Nor could the outlet exclusivity, insofar as it applied to competing parcel distributors, be regarded as indispensible for the protection of Posten Norge's intellectual property rights or the common identity and reputation of its Post-in-Shop network. The Authority also found that the need to impose outlet exclusivity for the purpose of ensuring that the Post-in-Shop outlets focused on Posten Norge's concept had to be regarded as limited. The outlet exclusivity could not, in any event, be regarded as indispensible for the whole duration of the agreements that Posten Norge concluded at outlet level.

(34) With regard to its renegotiation strategy, Posten Norge claimed that parallel negotiations with several suppliers enhanced competition because that was the most efficient way to negotiate new agreements. Posten Norge also maintained that it did not pursue an exclusionary strategy. The Authority found, however, that Posten Norge had not demonstrated that its renegotiating strategy brought about efficiency gains, was a necessary and proportionate means to achieve such gains, and that the alleged gains outweighed the anti-competitive effects resulting from the renegotiation strategy.

(35) The Authority therefore concluded that Posten Norge had not demonstrated that its conduct was objectively justified.

4.3.3. Conclusion on abuse

(36) The Authority concluded that the conduct of Posten Norge — that is, its use of group and outlet exclusivity in its agreements with NorgesGruppen/Shell, its use of outlet exclusivity in its agreements with COOP and ICA, and the strategy it pursued when renegotiating its agreements with NorgesGruppen, COOP and ICA from 2004 onwards — constituted an abuse within the meaning of Article 54 EEA.

4.4 *Effect on trade*

(37) The abusive conduct of Posten Norge was capable of affecting trade between Contracting Parties to an appreciable extent as required by Article 54 of the EEA Agreement.

4.5. *Duration*

(38) The abusive conduct was a single and continuous infringement, and existed at least as long as NorgesGruppen was bound by the group exclusivity and was Posten Norge's preferred partner, that is from 20 September 2000 until 31 March 2006.

5. **Fine**

5.1. *Basic amount*

(39) As a general rule, the basic amount of the fine is to be set at a level up to 30 % of the value of sales of the products the infringement directly or indirectly relates to in the relevant geographic area within the

EEA. The Authority normally takes the sales made by the undertaking during the last full business year of its participation in the infringement. Posten Norge's turnover in 2005 from the distribution of B-to-C parcels with over-the-counter delivery amounted to NOK 674,16 million. That is equivalent to EUR 84,17 million ([1]).

(40) The basic amount of the fine is related to a proportion of the value of sales, depending on the degree of gravity of the infringement, multiplied by the number of years of the infringement.

(41) In order to decide whether the proportion of the value of sales to be considered in a given case should be at the lower end or at the higher end of that scale, the Authority carries out a case-by-case analysis, taking account of all the relevant circumstances of the case. The Authority has regard to a number of factors, such as the nature of the infringement, the market share of the undertaking concerned and the geographic scope of the infringement.

(42) The nature of the infringement in question related to exclusionary practices which affected the structure of the relevant market. Posten Norge had a very high market share in the relevant market for the whole duration of the infringement. The abuse covered the whole territory of Norway and jeopardised, contrary to the objectives of the EEA Agreement, the proper functioning of the internal market by raising barriers to effective entry to the relevant parcel distribution market in Norway, thus impeding the establishment of transnational markets.

(43) In light of the circumstances of the present case, the initial amount of the fine was set at EUR 2 525 100. That amount was multiplied by 5,5 to take account of the duration of the infringement (five and a half years). The basic amount of the fine was therefore set at EUR 13,89 million.

5.2. *Aggravating and mitigating circumstances*

(44) There were no aggravating or mitigating circumstances.

5.3. *Other circumstances*

(45) The Authority acknowledged that the duration of the administrative proceedings in the present case had been considerable and considered that, in the particular circumstances of the present case, a reduction of the basic amount of the fine by EUR 1 million was justified.

5.4. *Amount of the fine*

(46) The final amount of the fine was therefore set at EUR 12,89 million.

6. **Decision**

(47) Posten Norge AS committed a single and continuous infringement of Article 54 of the EEA Agreement from 20 September 2000 until 31 March 2006 in the market for B-to-C parcel services with over-the-counter delivery in Norway, by pursuing an exclusivity strategy with preferential treatment when establishing and maintaining its Post-in-Shop network. The infringement consisted of the following elements:

— concluding and maintaining agreements with NorgesGruppen/Shell and with individual outlets within this group providing group and outlet exclusivity in favour of Posten Norge;

— concluding and maintaining agreements with COOP and with individual outlets within COOP providing outlet exclusivity in favour of Posten Norge;

— concluding and maintaining agreements with ICA and with individual outlets within ICA providing outlet exclusivity in favour of Posten Norge; and

([1]) The average exchange rate for 2005 was 8,0092 according to the European Central Bank's historical Euro foreign exchange reference rates.

— pursuing a renegotiation strategy which was likely to limit the willingness of COOP and ICA to negotiate and conclude agreements with competitors of Posten Norge for the provision of over-the-counter delivery of B-to-C parcels.

(48) For the infringement referred to above, a fine of EUR 12,89 million was imposed on Posten Norge AS.

(49) Insofar as it has not already done so, Posten Norge AS was required to bring the infringement to an end and to refrain from any conduct which might have the same or equivalent object or effect as long as it holds a dominant position on the relevant market.

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN PARLIAMENT

Call for proposals IX-2012/01 — 'Grants to political parties at European level'

(2011/C 190/06)

According to Article 10(4) of the Treaty on European Union, the political parties at European level contribute to forming a European awareness and express the political will of the citizens of the Union. Furthermore, Article 224 of the Treaty on the Functioning of the European Union stipulates that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, by means of regulations, shall lay down the regulations governing political parties at European level referred to in Article 10(4) of the Treaty on European Union and in particular the rules regarding their funding.

In this context the Parliament is launching a call for proposals for grants to political parties at European level.

1. **BASIC ACT**

Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 (hereinafter 'Regulation (EC) No 2004/2003') laying down the regulations governing political parties at European level and the rules regarding their funding ([1]).

Decision of the Bureau of the European Parliament of 29 March 2004 laying down the procedures for implementing Regulation (EC) No 2004/2003 (hereinafter 'Bureau Decision') ([2]).

Regulation (EC, Euratom) No 1605/2002 of the Council of 25 June 2002 on the Financial Regulation applicable to the General Budget of the European Communities (hereinafter 'Financial Regulation') ([3]).

Regulation (EC, Euratom) No 2342/2002 of the Commission of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the General Budget of the European Communities (hereinafter 'Implementing Rules for the Financial Regulation') ([4]).

2. **OBJECTIVE**

Under Article 2 of the Bureau Decision 'The European Parliament shall publish each year, before the end of the first half of the year, a call for proposals with a view to the awarding of grants to fund parties and foundations. The published document shall set out the eligibility criteria, the arrangements for the provision of Community funding and the proposed timetable for the award procedure.'

([1]) OJ L 297, 15.11.2003, p. 1.
([2]) OJ C 155, 12.6.2004, p. 1.
([3]) OJ L 248, 16.9.2002, p. 1.
([4]) OJ L 357, 31.12.2002, p. 1.

This call for proposals relates to grant applications for the financial year 2012 covering the period of activity from 1 January 2012 to 31 December 2012. The grant's objective is to support the beneficiary's annual work programme.

3. ADMISSIBILITY

Applications will not be admissible unless they are submitted in writing on the grant application form as in Annex 1 to the above Bureau Decision and are forwarded to the President of the European Parliament by the closing date.

4. CRITERIA AND SUPPORTING DOCUMENTS

4.1. **Eligibility criteria**

In order to be eligible for a grant, a political party at European level must satisfy the conditions laid down in Article 3(1) of Regulation (EC) No 2004/2003, i.e.:

(a) it must have legal personality in the Member State in which its seat is located;

(b) it must be represented, in at least one quarter of Member States, by Members of the European Parliament or in the national Parliaments or regional Parliaments or in the regional assemblies, or it must have received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent European Parliament elections;

(c) it must observe, in particular in its programme and in its activities, the principles on which the European Union is founded, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law;

(d) it must have participated in elections to the European Parliament, or have expressed the intention to do so.

4.2. **Exclusion criteria**

Applicants must also certify that they do not find themselves in any of the circumstances described in Articles 93(1) and 94 of the Financial Regulation.

4.3. **Selection criteria**

Applicants must provide evidence that they possess the legal and financial viability required to carry out the work programme set out in the application for funding and that they have the technical capability and management skills needed to carry out successfully the work programme for which they are applying for a grant.

4.4. **Award criteria**

In accordance with Article 10 of Regulation (EC) No 2004/2003, the available appropriations for the financial year 2012 will be distributed as follows among the political parties at European level which have obtained a positive decision on their application for funding on the basis of the eligibility, exclusion and selection criteria:

(a) 15 % will be distributed in equal shares;

(b) 85 % will be distributed among those which have elected members in the European Parliament, in proportion to the number of elected members.

4.5. **Supporting documents**

For the purpose of assessing the above criteria, applicants must provide the following supporting documents:

(a) original covering letter indicating the grant amount requested;

(b) application form in Annex 1 to the Bureau Decision duly completed and signed (including the written solemn declaration);

(c) statutes of the political party;

(d) official certificate of registration;

(e) recent proof of existence of the political party;

(f) list of the directors/members of the Management Board (names and forenames, titles or functions within the applicant party);

(g) documents certifying that the applicant meets the conditions laid down in Article 3(1)(b) of Regulation (EC) No 2004/2003 ([1]);

(h) documents certifying that the applicant meets the conditions laid down in Article 3(1)(d) of Regulation (EC) No 2004/2003;

(i) programme of the political party;

(j) comprehensive financial statement for 2010 certified by an external auditing body ([2]);

(k) provisional operating budget for the period concerned (1 January 2012 to 31 December 2012) indicating expenditure eligible for funding from the Union's budget.

As regards points (c), (d), (f), (h) and (i), the applicant may submit a declaration of honour that the information provided at the previous stage remains valid.

5. FINANCING FROM THE EU BUDGET

The appropriations for the financial year 2012 in Article 402 of the EU budget 'Contributions to European political parties' are estimated at a total of EUR 18 900 000. They are subject to approval by the budgetary authority.

The maximum amount paid to the beneficiary by the European Parliament may not exceed 85 % of the eligible operating costs of political parties at European level. The burden of proof shall lie with the political party concerned.

The financing shall take the form of an operating grant as provided for by the Financial Regulation and Implementing Rules for the Financial Regulation. The arrangements for paying the grant and the obligations governing its use will be set out in a grant award decision, a specimen of which appears in Annex 2a to the Bureau Decision.

6. PROCEDURE AND CLOSING DATE FOR SUBMITTING PROPOSALS

6.1. Closing date and submission of applications

The closing date for forwarding the applications is 30 September 2011. Applications forwarded after that date will not be considered.

Applications must:

(a) be made on the grant application form (Annex 1 to the Bureau Decision);

(b) be signed, without fail, by the applicant or his duly authorised representative;

(c) be submitted under double cover; the two envelopes must be sealed: in addition to the address of the recipient department as given in the call for proposals, the inner envelope must bear the following:

([1]) Including the lists of elected persons referred to in Articles 3(b), first subparagraph, and 10(1)(b).
([2]) Unless the political party at European level was established during the current year.

'CALL FOR PROPOSALS — *2012 GRANTS TO POLITICAL PARTIES AT EUROPEAN LEVEL*

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If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape. The signature of the sender shall be deemed to comprise not only his handwritten signature, but also his organisation's stamp.

The outer envelope must show the sender's address and be addressed to:

European Parliament
Mail Service
KAD 00D008
2929 Luxembourg
LUXEMBOURG

The inner envelope must be addressed to:

President of the European Parliament
via Mr Vanhaeren, Director-General of Finance
SCH 05B031
2929 Luxembourg
LUXEMBOURG

(d) be forwarded at the latest on the closing date laid down in the call for proposals either by registered mail, as evidenced by the postmark or by courier service as evidenced by the date of the deposit slip,

6.2. **Indicative procedure and timetable**

The following procedure and timetable will apply to the awarding of grants to political parties at European level:

(a) forwarding of the application to the European Parliament (no later than 30 September 2011);

(b) consideration and selection by the European Parliament's departments: only the applications deemed admissible will be examined on the basis of the eligibility, exclusion and selection criteria set out in the call for proposals;

(c) adoption of the grant award decision by the Bureau of the European Parliament (in principle no later than 1 January 2012 as stipulated in the Article 4 of the Bureau Decision) and notification of applicants;

(d) payment of an advance of 80 % (within 15 days following the grant award decision).

6.3. **Further information**

The following texts are available on the European Parliament's Internet site at the following address: http://www.europarl.europa.eu/tenders/invitations.htm

(a) Regulation (EC) No 2004/2003;

(b) Bureau Decision;

(c) Grant application form (Annex 1 to Bureau Decision).

Any questions relating to this call for proposals with a view to the awarding of grants should be sent by e-mail, quoting the publication reference, to the following address: fin.part.fond.pol@europarl.europa.eu

6.4. **Processing of personal data**

In accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council [1], for the purposes of safeguarding the financial interests of the Communities, the personal data of potential beneficiaries may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office (OLAF).

[1] OJ L 8, 12.1.2001, p. 1.

Call for proposals IX-2012/02 — 'Grants to political foundations at European level'

(2011/C 190/07)

According to Article 10(4) of the Treaty on European Union, the political parties at European level contribute to forming a European awareness and express the political will of the citizens of the Union. Furthermore, Article 224 of the Treaty on the Functioning of the European Union stipulates that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, by means of regulations, shall lay down the regulations governing political parties at European level referred to in Article 10(4) of the Treaty on European Union and in particular the rules regarding their funding.

The revision of the Regulation recognised the role of political foundations at European level, which, as organisations affiliated to political parties at European level, 'may through their activities support and underpin the objectives of the latter notably in terms of contributing to the debate on European public policy issues and on European integration, including by acting as catalysts for new ideas, analysis and policy options'. The Regulation provides, in particular, for an annual operating grant from the European Parliament, to political foundations which apply and which satisfy the conditions laid down in the Regulation.

In this context the Parliament is launching a call for proposals for grants to political foundations at European level.

1. BASIC ACT

Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 (hereinafter 'Regulation (EC) No 2004/2003') laying down the regulations governing political parties at European level and the rules regarding their funding ([1]).

Decision of the Bureau of the European Parliament of 29 March 2004 laying down the procedures for implementing Regulation (EC) No 2004/2003 (hereinafter 'Bureau Decision') ([2]).

Regulation (EC, Euratom) No 1605/2002 of the Council of 25 June 2002 on the Financial Regulation applicable to the General Budget of the European Communities (hereinafter 'Financial Regulation') ([3]).

Regulation (EC, Euratom) No 2342/2002 of the Commission of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the General Budget of the European Communities (hereinafter 'Implementing Rules for the Financial Regulation') ([4]).

2. OBJECTIVE

Under Article 2 of the Bureau Decision 'The European Parliament shall publish each year, before the end of the first half of the year, a call for proposals with a view to the awarding of grants to fund parties and foundations. The published document shall set out the eligibility criteria, the arrangements for the provision of Community funding and the proposed timetable for the award procedure.'

This call for proposals relates to grant applications for the financial year 2012 covering the period of activity from 1 January 2012 to 31 December 2012. The grant's objective is to support the beneficiary's annual work programme.

3. ADMISSIBILITY

Applications will not be admissible unless they are submitted in writing on the grant application form as in Annex 1 to the above Bureau Decision and are forwarded to the President of the European Parliament by the closing date.

([1]) OJ L 297, 15.11.2003, p. 1.
([2]) OJ C 155, 12.6.2004, p. 1.
([3]) OJ L 248, 16.9.2002, p. 1.
([4]) OJ L 357, 31.12.2002, p. 1.

4. CRITERIA AND SUPPORTING DOCUMENTS

4.1. **Eligibility criteria**

In order to be eligible for a grant, a political foundation at European level must satisfy the conditions laid down in Article 3(2) of Regulation (EC) No 2004/2003, i.e.:

(a) it must be affiliated with one of the political parties at European level recognised in accordance with this Regulation, as certified by that party;

(b) it must have legal personality in the Member State in which its seat is located: this legal personality shall be separate from that of the political party at European level with which the foundation is affiliated;

(c) it must observe, in particular in its programme and in its activities, the principles on which the European Union is founded, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law;

(d) it shall not promote profit goals;

(e) its governing body shall have a geographically balanced composition.

Furthermore, it must also satisfy the conditions laid down in Article 3(3) of Regulation (EC) No 2004/2003: Within the framework of this Regulation, it remains for each political party and foundation at European level to define the specific modalities for their relationship, in accordance with national law, including an appropriate degree of separation between the daily management as well as the governing structures of the political foundation at European level, on the one hand, and the political party at European level with which the former is affiliated, on the other hand.

4.2. **Exclusion criteria**

Applicants must also certify that they do not find themselves in any of the circumstances described in Articles 93(1) and 94 of the Financial Regulation.

4.3. **Selection criteria**

Applicants must provide evidence that they possess the legal and financial viability required to carry out the work programme set out in the application for funding and that they have the technical capability and management skills needed to carry out successfully the work programme for which they are applying for a grant.

4.4. **Award criteria**

In accordance with Article 4(5) of Regulation (EC) No 2004/2003, the available appropriations for the financial year 2012 will be distributed as follows among the political foundations at European level which have obtained a positive decision on their application for funding on the basis of the eligibility, exclusion and selection criteria:

(a) 15 % will be distributed in equal shares;

(b) 85 % will be distributed among those that are affiliated to such political parties at European level which have elected members in the European Parliament, in proportion to the number of elected members.

4.5. **Supporting documents**

For the purpose of assessing the above criteria, applicants must provide the following supporting documents:

(a) original covering letter indicating the grant amount requested;

(b) application form in Annex 1 to the Decision of the Bureau of the European Parliament of 29 March 2004 duly completed and signed (including the written solemn declaration);

(c) statutes of the applicant;

(d) official certificate of registration;

(e) recent proof of existence of the applicant;

(f) list of the directors/members of the Management Board (names and forenames, citizenship, titles or functions within the applicant);

(g) programme of the applicant;

(h) comprehensive financial statement for 2010 certified by an external auditing body ([1]);

(i) provisional operating budget for the period concerned (1 January 2012 to 31 December 2012) indicating expenditure eligible for funding from the Community budget;

(j) documents certifying that the applicant meets the conditions laid down in Article 3(3) of Regulation (EC) No 2004/2003.

As regards points (c), (d), (f) and (g), the applicant may submit a declaration of honour that the information provided at the previous stage remains valid.

5. FINANCING FROM THE EU BUDGET

The appropriations for the financial year 2012 in Article 403 of the EU budget 'Contributions to European political foundations' are estimated at a total of EUR 12 150 000. They are subject to approval by the budgetary authority.

The maximum amount paid to the beneficiary by the European Parliament may not exceed 85 % of the eligible operating costs of political foundation at European level. The burden of proof shall lie with the political foundation concerned.

The financing shall take the form of an operating grant as provided for by the Financial Regulation and Implementing Rules for the Financial Regulation. The arrangements for paying the grant and the obligations governing its use will be set out in a grant award decision, a specimen of which appears in Annex 2B to the Bureau Decision.

6. PROCEDURE AND CLOSING DATE FOR SUBMITTING PROPOSALS

6.1. Closing date and submission of applications

The closing date for forwarding the applications is 30 September 2011. Applications forwarded after that date will not be considered.

Applications must:

(a) be made on the grant application form (Annex 1 to the Bureau Decision);

([1]) Unless the applicant was established during the current year.

(b) be signed, without fail, by the applicant or his duly authorised representative;

(c) be submitted under double cover; the two envelopes must be sealed. In addition to the address of the recipient department as given in the call for proposals, the inner envelope must bear the following:

'CALL FOR PROPOSALS — *2012 GRANTS TO POLITICAL FOUNDATIONS AT EUROPEAN LEVEL*

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If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape. The signature of the sender shall be deemed to comprise not only his handwritten signature, but also his organisation's stamp.

The outer envelope must show the sender's address and be addressed to:

European Parliament
Mail Service
KAD 00D008
2929 Luxembourg
LUXEMBOURG

The inner envelope must be addressed to:

President of the European Parliament
via Mr Vanhaeren, Director-General of Finance
SCH 05B031
2929 Luxembourg
LUXEMBOURG

(d) be forwarded at the latest on the closing date laid down in the call for proposals either by registered mail, as evidenced by the postmark or by courier service as evidenced by the date of the deposit slip.

6.2. **Indicative procedure and timetable**

The following procedure and timetable will apply to the awarding of grants to political foundations at European level:

(a) forwarding of the application to the European Parliament (no later than 30 September 2011);

(b) consideration and selection by the European Parliament's departments; only the applications deemed admissible will be examined on the basis of the eligibility, exclusion and selection criteria set out in the call for proposals;

(c) adoption of the grant award decision by the Bureau of the European Parliament (in principle no later than 1 January 2012 as stipulated in the Article 4 of the Bureau Decision) and notification of applicants;

(d) payment of an advance of 80 % (within 15 days following the grant award decision).

6.3. **Further information**

The following texts are available on the European Parliament's Internet site at the following address: http://www.europarl.europa.eu/tenders/invitations.htm

(a) Regulation (EC) No 2004/2003;

(b) Bureau Decision;

(c) Grant application form (Annex 1 to Bureau Decision).

Any questions relating to this call for proposals with a view to the awarding of grants should be sent by e-mail, quoting the publication reference, to the following address: fin.part.fond.pol@europarl.europa.eu

6.4. **Processing of personal data**

In accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council [1], for the purposes of safeguarding the financial interests of the Communities, the personal data of potential beneficiaries may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office (OLAF).

[1] OJ L 8, 12.1.2001, p. 1.

EUROPEAN COMMISSION

Call for proposals — ESPON 2013 programme

(2011/C 190/08)

In the framework of the ESPON 2013 programme, call for proposals will open on 24 August 2011. An Info Day and Partner Café for potential beneficiaries will take place on 13 September 2011 in Brussels. Please visit http://www.espon.eu regularly for further information.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.6259 — Covéa/Bipiemme Vita)

Candidate case for simplified procedure

(Text with EEA relevance)

(2011/C 190/09)

1. On 17 June 2011, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]), by which the undertaking Covéa (France), a Société de Groupe d'Assurance Mutuelle (SGAM, a group of mutual insurance organisations), acquires within the meaning of Article 3(1)(b) of the Merger Regulation through MMA IARD Assurances Mutuelles, MMA Vie Assurances Mutuelles, MAAF Assurances and Assurances de France (undertakings all belonging to the Covéa group) control of the whole of Bipiemme Vita SpA (Italy), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Covéa: managing financial links between mutual insurance organisations and other institutions within France's mutual sector; administering holdings in insurance and reinsurance undertakings,

— for Bipiemme: life and non-life insurance in Italy.

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 ([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), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6259 — Covéa/Bipiemme Vita, to the following address:

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

([1]) OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').
([2]) OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

Prior notification of a concentration

(Case COMP/M.6231 — KKR/Capsugel)

(Text with EEA relevance)

(2011/C 190/10)

1. On 23 June 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 [1] by which the undertaking KKR & Co. LP ('KKR', USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Capsugel ('Capsugel', USA) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for KKR: provision of a broad range of alternative asset management services to public and private market investors and capital markets solutions for the firm, its portfolio companies and clients,

— for Capsugel: manufacturing of dosage delivery products and provision of related services to the pharmaceutical, over-the-counter and health and nutrition industries.

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.6231 — KKR/Capsugel, to the following address:

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

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[1] OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

CORRIGENDA

Corrigendum to authorisation for State aid pursuant to Articles 107 and 108 of the TFEU — Cases where the Commission raises no objections

(Official Journal of the European Union C 187 of 28 June 2011)

(2011/C 190/11)

On page 8:

for: 'Reference number of State Aid: SA.322266 (11/N)',

read: 'Reference number of State Aid: SA.32266 (11/N)'.

EN

([1]) Text with EEA relevance

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