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### Information and Notices

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**EN**
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**EUR 3**

(1) Text with EEA relevance

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

## II

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

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case COMP/M.6368 — TPG/Fournais Holding/Lars Seier Christensen Holding/Saxo Bank)****(Text with EEA relevance)**

(2011/C 339/01)

On 3 November 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 32011M6368. EUR-Lex is the on-line access to the European law.
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## IV

(Notices)

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

## EUROPEAN COMMISSION

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

18 November 2011

(2011/C 339/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3576	AUD	Australian dollar	1,3479
JPY	Japanese yen	104,06	CAD	Canadian dollar	1,3879
DKK	Danish krone	7,4426	HKD	Hong Kong dollar	10,5719
GBP	Pound sterling	0,85805	NZD	New Zealand dollar	1,7800
SEK	Swedish krona	9,1606	SGD	Singapore dollar	1,7579
CHF	Swiss franc	1,2378	KRW	South Korean won	1 546,23
ISK	Iceland króna		ZAR	South African rand	11,0814
NOK	Norwegian krone	7,8200	CNY	Chinese yuan renminbi	8,6273
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4950
CZK	Czech koruna	25,475	IDR	Indonesian rupiah	12 244,66
HUF	Hungarian forint	305,30	MYR	Malaysian ringgit	4,2907
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	58,927
LVL	Latvian lats	0,7045	RUB	Russian rouble	41,8304
PLN	Polish zloty	4,4200	THB	Thai baht	42,072
RON	Romanian leu	4,3643	BRL	Brazilian real	2,4043
TRY	Turkish lira	2,4686	MXN	Mexican peso	18,5448
			INR	Indian rupee	69,5840

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

**Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting on 26 March 2010 concerning a preliminary draft decision in Case COMP/38.344 (1) — Prestressing Steel**

(2011/C 339/03)

1. The Advisory Committee agrees with the European Commission's assessment of the facts as an agreement and/or concerted practice within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
  2. The Advisory Committee agrees that the agreements and/or concerted practices constitute one single and continuous infringement for prestressing steel for the time frame in which they existed.
  3. The Advisory Committee agrees with the European Commission that the agreements and/or concerted practices have as object a restriction of competition.
  4. The Advisory Committee agrees with the European Commission's assessment on the duration of the infringements for each addressee.
  5. The Advisory Committee agrees with the European Commission's draft decision as regards the conclusion that the agreement between the addressees was capable of having an appreciable effect upon trade between EU Member States and between contracting parties of the EEA.
  6. The Advisory Committee agrees with the European Commission's draft decision as regards the addressees of the decision, specifically with reference to imputation of liability to parent companies of the groups concerned.
  7. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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**Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting on 25 June 2010 concerning a preliminary draft decision in Case COMP/38.344 (2) — Prestressing Steel**

(2011/C 339/04)

1. The Advisory Committee agrees with the European Commission that a fine should be imposed on the addressees of the draft decision.
  2. The Advisory Committee agrees with the European Commission on the basic amounts of the fines.
  3. The Advisory Committee agrees with the European Commission on the mitigating and aggravating circumstances.
  4. The Advisory Committee agrees with the European Commission on the amounts of reduction of the fines based on the 2002 Leniency Notice.
  5. The Advisory Committee agrees with the European Commission's assessment on inability to pay.
  6. The Advisory Committee agrees with the European Commission on the final amounts of the fines.
  7. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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## **Final report of the Hearing Officer in Case COMP/38.344 — Prestressing Steel**

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

(2011/C 339/05)

This case concerns long-lasting price and quota arrangements concluded between European suppliers of prestressing steel.

### **I. WRITTEN PROCEDURE**

#### **1. Statement of Objections and background**

The Commission adopted a Statement of Objection (SO) on 30 September 2008 addressed to 40 companies (the Parties) forming 18 undertakings.

The Commission's investigation was triggered by documents handed over by the Bundeskartellamt in 2002 and supplemented by an undertaking's immunity application submitted under the 2002 Leniency Notice <sup>(1)</sup>. After the Commission had granted conditional immunity, it carried out unannounced inspections at the premises of a large number of prestressing steel producers and one other undertaking. Following its inspections, the Commission received further leniency submissions. Prior to adopting the SO, the Commission informed these applicants that immunity from fines was not available, of its preliminary conclusions as to the availability of a reduction in fine and specified, as appropriate, the band of reduction envisaged.

On the basis of the collected information, the Commission came to the preliminary conclusion that the Parties had committed for varying periods a single and continuous infringement and/or repeated infringements of Article 101 TFEU from 1 January 1984, and of Article 53(1) of the EEA Agreement from 1 January 1994 until 19 September 2002.

#### **2. Access to file**

The Parties were granted access to the file via a DVD in October 2008. They also received access to oral and written leniency statements at the Commission's premises. In that regard, I am pleased to note that no access to file issues were raised with me by any party despite a voluminous and complex file.

#### **3. Deadlines for written reply**

The Parties were originally granted a deadline of six weeks to reply in writing to the SO, starting from the day after receipt of the DVD file. A number of parties submitted reasoned requests for extensions, which I granted. All Parties replied in time.

### **II. ORAL PROCEDURE**

An Oral Hearing was held on 11 and 12 February 2009 and was attended by representatives of all but four parties.

The oral presentation of one undertaking in particular, including presentations from an individual, strongly contested the facts alleged in the SO concerning its alleged involvement in the cartel. The undertaking in question provided, *inter alia*, evidence that it competed aggressively during the relevant period. Similar arguments had been made in its written reply.

### **III. THE DRAFT DECISION**

In the draft decision, the Commission essentially retains its objections as set out in the SO. Following written and oral submissions of the Parties, there has been a slight narrowing both of the products concerned and in the nature of the alleged anti-competitive conduct.

<sup>(1)</sup> Commission notice on immunity from fines and reduction of fines in cartel cases (OJ C 45, 19.2.2002, p. 3).

Four parties (i.e. legal entities) to whom the SO was addressed have been dropped from the draft decision, including the undertaking discussed in Section II. Although the overall duration of the infringement found in the draft decision is the same as that alleged in the SO, the duration of participation found for some undertakings and parties within undertakings has been reduced.

As regards the application of the 2006 Fining Guidelines, the SO identified a number of undertakings as potential cartel 'leaders', but this has not been retained in the draft decision. Also, fewer undertakings have been identified as recidivists in the draft decision than in the SO and fewer previous decisions have been cited.

Finally, I note that in the draft decision, the Commission generally intends to refer to the most recent turnover data available of all undertakings in order to calculate the 10 % turnover cap (whilst also respecting the legal cap specified in Article 23(2) Regulation (EC) No 1/2003). In so doing, the Commission takes account of the recent economic and financial crisis and its effect on the turnover of the Parties; this variation therefore favours the Parties. However, in the case of one party, the Commission has referred to an earlier year as that party ceased to generate turnover a number of years ago.

In my view, the draft decision deals only with objections in respect of which the Parties have been afforded the opportunity of making their views known.

#### IV. CONCLUSION

In view of the above observations, I consider that the right to be heard has been respected with respect to all Parties to the proceedings in this case.

Brussels, 29 June 2010.

Michael ALBERS

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## Summary of Commission Decision

of 30 June 2010

relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement against the undertakings ArcelorMittal, Emesa/Galycas/ArcelorMittal (España), GlobalSteelWire/Tycsa, Proderac, Companhia Previdente/Socitrel, Fapricela, Nedri/HIT Groep, WDI/Pampus, DWK/Saarstahl, voestalpine Austria Draht, Rautaruukki/Ovako, Italcables/Antonini, Redaelli, CB Trafilati Acciai, I.T.A.S., Ori Martin/Siderurgica Latina Martin, Emme Holding

(Case COMP/38.344 — Prestressing Steel)

(notified under document C(2010) 4387 (final) as amended by Commission Decision of 30 September 2010 notified under document C(2010) 6676 (final) and Commission Decision of 4 April 2011 notified under document C(2011) 2269 (final))

(Only the Dutch, English, German, Italian, Portuguese and Spanish texts are authentic)

(Text with EEA relevance)

(2011/C 339/06)

On 30 June 2010, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (TFEU) and Article 53 of the Agreement on the European Economic Area (EEA Agreement), which was amended by Commission Decisions of 30 September 2010 and 4 April 2011. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003<sup>(1)</sup>, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

### 1. INTRODUCTION

(1) This Decision is addressed to 36 legal entities belonging to 17 prestressing steel undertakings for having participated in a single and continuous infringement of Article 101 of the TFEU and Article 53 of the EEA Agreement. They engaged in price-fixing, quota-fixing, client allocation and the exchange of commercially sensitive information in a cartel regarding prestressing steel with the exception of special strand and stays. The cartel lasted between January 1984 and September 2002 and concerned all the countries that then formed the EU-15 except Ireland, Greece and the United Kingdom. It also affected Norway. The cartel stopped in 2002, when DWK/Saarstahl revealed its existence under the Commission Leniency Notice<sup>(2)</sup> introduced that year.

### 2. CASE DESCRIPTION

#### 2.1. Procedure

(2) The case was opened on the basis of an immunity application of DWK Drahtwerk Köln GmbH (DWK) on 18 June 2002.

(3) Following the information provided, inspections took place on 19 and 20 September 2002 at the premises of 14 undertakings in six countries.

(4) Subsequently, between 21 September 2002 and 28 June 2007, the Commission received leniency applications from six undertakings. Four undertakings also provided self-incriminating information in reply to requests for information.

(5) The investigation of the case was followed by addressing several requests for information to all the companies involved in the anti-competitive arrangements and by an additional inspection on 7 and 8 June 2006 at the premises of Mr (...), external consultant to the (Italian part of the) cartel.

(6) The Statement of Objections was adopted on 30 September 2008 and the Oral Hearing took place on 11 and 12 February 2009.

(7) The Commission adopted a decision on 30 June 2010 and an amendment decision correcting some errors in the calculation of the fine on 30 September 2010.

(8) On 4 April 2011, the Commission adopted a further amendment decision in which it exercised its margin of appreciation to reduce the fines for which four of the legal entities involved in the cartel were solely liable, in that they related only to those periods in which the legal

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

<sup>(2)</sup> This was still in accordance with the 2002 Commission notice on immunity from fines and reduction of fines in cartel cases (OJ C 45, 19.2.2002, p. 3).

entities participated without their current parent companies, in order to ensure that the level of those fines was not disproportionate to their own size and turnover. The Commission reduced the relevant fines to ten percent of the legal entities' own turnovers.

## 2.2. Summary of the infringement

- (9) This case concerns an infringement of Article 101 of the TFEU and, from 1 January 1994, of Article 53 of the EEA Agreement with regards to prestressing steel with the exception of special strand and stays. Prestressing steel consists of long, curled steel wires used with concrete on construction sites to make foundations, balconies or bridges and also is used in underground engineering and bridge-building.
- (10) The suppliers concerned engaged in price fixing, quota fixing, client allocation and exchange of commercially sensitive information in a cartel with a duration of over 18 years, lasting between at least 1 January 1984 and 19 September 2002. In addition, they monitored price, client and quota arrangements through a system of national coordinators and bilateral contacts. Some suppliers were also involved in a specific form of client allocation towards one big Nordic client. The infringement constitutes by its very nature one of the worst kinds of Article 101 of the TFEU.

(11) The cartel consisted of a pan-European arrangement, first referred to as 'Club Zurich', named after the place in Switzerland where the first cartel meetings were held, and later as 'Club Europe'. But there were also two regional arrangements, in Italy (Club Italia) and in Spain/Portugal (Club España). The different arrangements of the cartel constituted one single, complex and continuous infringement because they were interconnected by overlapping territory, membership and chronology. They, moreover, shared the same goal and used identical mechanisms. Indeed, the goal of the cartel was to stabilise the suppliers' market shares in order to stabilise prices and facilitate price increases. This was done by agreeing on quotas, prices and/or client allocation. The agreements were monitored and compensation mechanisms were set up. In addition, the participants to the different arrangements were mutually aware of each others' attempts to stabilise the market shares/prices and there were efforts to agree on a common equilibrium and to fix prices together.

(12) The companies involved usually met in the margin of official trade meetings in hotels all over Europe. The Commission has evidence of over 550 cartel meetings.

## 2.3. Addressees and duration

(13) The addressees of the Decision participated in the infringement during at least the following periods:

	Undertaking formed by	Period of liability
1.	(a) ArcelorMittal Wire France SA	1.1.1984 to 19.9.2002
	(b) ArcelorMittal Fontaine SA	20.12.1984 to 19.9.2002
	(c) ArcelorMittal Verderio Srl and	3.4.1995 to 19.9.2002
	(d) ArcelorMittal	1.7.1999 to 19.9.2002
2.	(a) Emesa-Trefilería SA	30.11.1992 to 19.9.2002
	(b) Industrias Galycas SA	15.12.1992 to 19.9.2002
	(c) ArcelorMittal España SA and	2.4.1995 to 19.9.2002
	(d) ArcelorMittal	18.2.2002 to 19.9.2002
3.	(a) Moreda-Riviere Trefilerías SA	10.6.1993 to 19.9.2002
	(b) Trenzas y Cables de Acero PSC, SL	26.3.1998 to 19.9.2002
	(c) Trefilerías Quijano SA and	15.12.1992 to 19.9.2002
	(d) Global Steel Wire SA	15.12.1992 to 19.9.2002
4.	SOCITREL — Sociedade Industrial de Trefilaria SA and Companhia Previdente — Sociedade de Controle de Participações Financeiras SA	7.4.1994 to 19.9.2002
5.	voestalpine Austria Draht GmbH and voestalpine AG	15.4.1997 to 19.9.2002
6.	Fapricela Industria de Trefilaria SA	2.12.1998 to 19.9.2002

	Undertaking formed by	Period of liability
7.	Proderac Productos Derivados del Acero SA	24.5.1994 to 19.9.2002
8.	(a) Westfälische Drahtindustrie GmbH (b) Westfälische Drahtindustrie Verwaltungsgesellschaft GmbH & Co. KG (c) Pampus Industriebeteiligungen GmbH & Co. KG	1.1.1984 to 19.9.2002 3.9.1987 to 19.9.2002 1.7.1997 to 19.9.2002
9.	(a) Nedri Spanstaal BV (b) Hit Groep BV	1.1.1984 to 19.9.2002 1.1.1998 to 17.1.2002
10.	DWK Drahtwerk Köln GmbH and Saarstahl AG	9.2.1994 to 6.11.2001
11.	Ovako Hjulbro AB, Ovako Dalwire Oy Ab, Ovako Bright Bar AB and Rautaruukki Oyj	23.10.1997 to 31.12.2001
12.	Italcables SpA and Antonini SpA	24.2.1993 to 19.9.2002
13.	Redaelli Tecna SpA	1.1.1984 to 19.9.2002
14.	CB Trafilati Acciai SpA	23.1.1995 to 19.9.2002
15.	I.T.A.S. — Industria Trafilera Applicazioni Speciali — SpA	24.2.1993 to 19.9.2002
16.	(a) Siderurgica Latina Martin SpA and (b) ORI Martin SA	10.2.1997 to 19.9.2002 1.1.1999 to 19.9.2002
17.	Emme Holding SpA	4.3.1997 to 19.9.2002

## 2.4. Remedies

### 2.4.1. Basic Amount of the fine

- (14) In setting the fines, the Commission took into account the sales of the companies involved in the market concerned in the last year prior to the end of the cartel (2001; except for DWK, 2000), the very serious nature of the infringement, the geographic scope of the cartel and its long duration.

### 2.4.2. Adjustments to the basic amount

#### 2.4.2.1. Aggravating/mitigating circumstances

- (15) The Commission increased the fines for ArcelorMittal Fontaine and ArcelorMittal Wire France because they had already been fined for prior cartel involvement. Saarstahl was previously fined in the steel beams cartel, but received full immunity in the present cartel because it was the first to come forward with information under the Commission's 2002 Leniency Notice.

- (16) The Commission recognised the more limited participation of Proderac and Emme Holding by reducing their fine by

5 %. The fine for ArcelorMittal España was reduced by 15 % for its cooperation outside the Leniency Notice.

#### 2.4.2.2. Application of the 10 % turnover limit

- (17) The fine on several companies would have exceeded the legal maximum of 10 % of the 2009 turnover, and was therefore reduced to this level.

### 2.4.3. Application of the 2002 Leniency Notice

- (18) The Commission granted full immunity from the fine to DWK/Saarstahl and a reduction of the fine for cooperation under the 2002 Leniency Notice to Italcables/Antonini (50 %), Nedri (25 %), Emesa and Galycas (5 %), ArcelorMittal and its subsidiaries (20 %) and WDI/Pampus (5 %). Redaelli and SLM did not meet the requirements for cooperation and therefore received no reduction of the fine.

### 2.4.4. Ability to pay

- (19) The Commission accepted three inability-to-pay applications and granted reductions of respectively 25 %, 50 % and 75 % of the fine that would otherwise have been imposed. It had received applications from 13 undertakings under the Commission's 2006 Fines Guidelines.

## 3. DECISION

(20) The following fines were imposed pursuant to Article 23(2) of Regulation (EC) No 1/2003:

1.	EUR 45 705 600	on ArcelorMittal Wire France SA and ArcelorMittal Fontaine SA, of which, ArcelorMittal Verderio Srl is held jointly and severally liable for the amount of EUR 32 353 600; of which ArcelorMittal SA is held jointly and severally liable for the amount of EUR 31 680 000.
2.	EUR 36 720 000	on ArcelorMittal España SA, of which ArcelorMittal SA is held jointly and severally liable for the amount of EUR 8 256 000; of which Emesa — Trefilería SA is held jointly and severally liable for the amount of EUR 2 576 400; of which Industrias Galycas SA is held jointly and severally liable for the amount of EUR 868 300.
3.	EUR 54 389 000	jointly and severally on Global Steel Wire SA and Moreda-Riviere Trefilerías SA, of which Trenzas y Cables de Acero PSC, SL is held jointly and severally liable for the amount of EUR 40 000 000; of which Trefilerías Quijano SA is held jointly and severally liable for the amount of EUR 4 190 000.
4.	EUR 12 590 000	jointly and severally on Companhia Previdente — Sociedade de Controle de Participações Financeiras SA and SOCITREL — Sociedade Industrial de Trefilaria SA.
5.	EUR 22 000 000	jointly and severally on voestalpine AG and voestalpine Austria Draht GmbH.
6.	EUR 8 874 000	on Fapricela — Indústria de Trefilaria SA.
7.	EUR 482 250	on Proderac Productos Derivados del Acero SA.
8.	EUR 46 550 000	on Westfälische Drahtindustrie GmbH, of which Westfälische Drahtindustrie Verwaltungsgesellschaft GmbH & Co. KG is held jointly and severally liable for the amount of EUR 38 855 000; of which Pampus Industriebeteiligungen GmbH & Co. KG is held jointly and severally liable for the amount of EUR 15 485 000.
9.	EUR 6 934 000	on HIT Groep BV, of which Nedri Spanstaal BV is held jointly and severally liable for the amount of EUR 5 056 500.
10.	EUR 0	jointly and severally on Saarstahl AG and DWK Drahtwerk Köln GmbH.
11.	EUR 4 300 000	jointly and severally on Rautaruukki Oyj and Ovako Bright Bar AB, of which Ovako Hjulstro AB is held jointly and severally liable for the amount of EUR 1 808 000; of which Ovako Dalwire Oy Ab is held jointly and severally liable up for the amount of EUR 554 000.
12.	EUR 2 386 000	on Italcables SpA, of which Antonini SpA is held jointly and severally liable for the amount of EUR 22 500.

13.	EUR 6 341 000	on Redaelli Tecna SpA.
14.	EUR 2 552 500	on CB Trafilati Acciai SpA.
15.	EUR 843 000	on I.T.A.S. — Industria Trafileria Applicazioni Speciali — SpA.
16.	EUR 15 956 000	on Siderurgica Latina Martin SpA, of which: ORI Martin SA is held jointly and severally liable for the amount of EUR 14 000 000.
17.	EUR 3 249 000	on Emme Holding SpA.

## NOTICES FROM MEMBER STATES

**Information communicated by Member States regarding closure of fisheries**

(2011/C 339/07)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	24.10.2011
Duration	24.10.2011-31.12.2011
Member State	Portugal
Stock or Group of stocks	RED/51214D
Species	Redfish (deep pelagic) ( <i>Sebastes</i> spp.)
Zone	EU and international waters of V; international waters of XII and XIV
Type(s) of fishing vessels	—
Reference number	—

Web link to the decision of the Member State:

[http://ec.europa.eu/fisheries/cfp/fishing\\_rules/tacs/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm)

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

**Information communicated by Member States regarding closure of fisheries**

(2011/C 339/08)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	31.10.2011
Duration	31.10.2011-31.12.2011
Member State	Sweden
Stock or Group of stocks	POK/2A34.
Species	Saithe ( <i>Pollachius virens</i> )
Zone	IIIa and IV; EU waters of IIa, IIIb, IIIc, and Subdivisions 22-32
Type(s) of fishing vessels	—
Reference number	—

Web link to the decision of the Member State:

[http://ec.europa.eu/fisheries/cfp/fishing\\_rules/tacs/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm)

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

**Information communicated by Member States regarding closure of fisheries**

(2011/C 339/09)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	23.10.2011
Duration	23.10.2011-31.12.2011
Member State	France
Stock or Group of stocks	HER/4AB.
Species	Herring ( <i>Clupea harengus</i> )
Zone	EU and Norwegian waters of IV north of 53° 30' N
Type(s) of fishing vessels	—
Reference number	1152436

Web link to the decision of the Member State:

[http://ec.europa.eu/fisheries/cfp/fishing\\_rules/tacs/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm)

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.



**Information communicated by Member States regarding closure of fisheries**

(2011/C 339/10)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	17.10.2011
Duration	17.10.2011-31.12.2011
Member State	Denmark
Stock or Group of stocks	LIN/3A/BCD
Species	Ling ( <i>Molva molva</i> )
Zone	IIIa; EU waters of Subdivisions 22-32
Type(s) of fishing vessels	—
Reference number	—

Web link to the decision of the Member State:

[http://ec.europa.eu/fisheries/cfp/fishing\\_rules/tacs/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm)

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

**Information communicated by Member States regarding closure of fisheries**

(2011/C 339/11)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	31.10.2011
Duration	31.10.2011-31.12.2011
Member State	Sweden
Stock or Group of stocks	COD/2A3AX4
Species	Cod ( <i>Gadus morhua</i> )
Zone	IV; EU waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat
Type(s) of fishing vessels	—
Reference number	—

Web link to the decision of the Member State:

[http://ec.europa.eu/fisheries/cfp/fishing\\_rules/tacs/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm)

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

## V

*(Announcements)*

## ADMINISTRATIVE PROCEDURES

EUROPEAN CENTRE FOR THE DEVELOPMENT OF  
VOCATIONAL TRAINING (CEDEFOP)**Vacancy notice for a Director (Grade AD 14)**

(2011/C 339/12)

The European Centre for the Development of Vocational Training, Cedefop, is a body of the European Union located in Thessaloniki, Greece. It assists the European Commission and other stakeholders in encouraging the promotion and development of vocational education and training.

As Director, you will be responsible for directing, managing and representing Cedefop and you will be accountable to the Governing Board and the European Parliament. You must have a good understanding of the institutional framework of an EU organisation and enjoy working at a top level in an international environment. The contract is for a period of five years and may be renewed.

The full requirements for qualifications and experience are described in detail in the vacancy notice and include:

- national of EU Member State,
- be able to carry out the entire five-year mandate before reaching the mandatory retirement age,
- university degree, preferably in a field relevant to Cedefop,
- 15 years of professional experience after graduation, including at least five years in fields related to Cedefop's activities and at least five years in a high-level management function,
- good knowledge of languages,
- ability to lead and motivate an international organisation,
- ability to interact and negotiate internationally at senior level with EU institutions, public authorities and social partners.

The application form can be found in the vacancy notice, available on Cedefop's website (<http://www.cedefop.europa.eu>).

Applications must be submitted and postmarked not later than 9 January 2012.

An HR company will assist in the evaluation of applicants.

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PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

EUROPEAN COMMISSION

**Prior notification of a concentration**

**(Case COMP/M.6401 — Waterland/Alychlo/Omega Pharma)**

**(Text with EEA relevance)**

(2011/C 339/13)

1. On 9 November 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Waterland Private Equity Investment B.V. ('Waterland', The Netherlands) and Alychlo NV (ultimately controlled by Mr. Marc Coucke, Belgium) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Omega Pharma NV ('Omega', Belgium) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Waterland: manager of private equity funds that invest in companies with activities in numerous business fields such as health care, tourism and insurance,
  - for Alychlo NV: holding company,
  - for Omega: supplier of health and personal care products.
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.6401 — Waterland/Alychlo/Omega Pharma, to the following address:

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

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

**Prior notification of a concentration**  
**(Case COMP/M.6407 — Apache/Mobil North Sea)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2011/C 339/14)

1. On 11 November 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Apache Corporation (USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the Mobil North Sea Limited ('MNSL', Cayman Islands) belonging to the ExxonMobil Group (USA) by way of purchase of assets.
2. The business activities of the undertakings concerned are:
  - for Apache Corporation: exploration for, development and production of natural gas, crude oil and natural gas liquids,
  - for MNSL: production, development and sale of crude oil and natural gas.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6407 — Apache/Mobil North Sea, to the following address:

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

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

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

**Prior notification of a concentration****(Case COMP/M.6403 — Volkswagen/KPI Polska/Skoda Auto Polska/VW Bank Polska/VW Leasing Polska)****(Text with EEA relevance)**

(2011/C 339/15)

1. On 14 November 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Volkswagen AG ('VW', Germany) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of KPI Polska Sp. z o.o. ('KPI Polska', Poland), Skoda Auto Polska SA ('Skoda Auto Polska', Poland), Volkswagen Bank Polska SA ('VW Bank Polska', Poland) and Volkswagen Leasing Polska Sp z o.o. ('VW Leasing Polska', Poland) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for VW: manufacture, sale and distribution of motor vehicles (passenger cars and light commercial vehicles, trucks, buses, coaches and chassis for buses) including related spare parts and accessories, diesel engines, provision of financial services,
- for KPI Polska: import, distribution and sale of certain VW passenger cars and light commercial vehicles and their spare parts and accessories in Poland,
- for Skoda Auto Polska: import and wholesale distribution of passenger cars and light commercial vehicles of the Skoda brand and its spare parts and accessories in Poland,
- for VW Bank Polska: provision of retail and corporate banking services in Poland mainly to the vehicle customers and dealers of KPI Polska and Skoda Auto Polska,
- for VW Leasing Polska: provision of financial services.

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.6403 — Volkswagen/KPI Polska/Skoda Auto Polska/VW Bank Polska/VW Leasing Polska, to the following address:

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

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

**Prior notification of a concentration****(Case COMP/M.6434 — Teekay/Marubeni/Maersk LNG)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2011/C 339/16)

1. On 14 November 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Teekay LNG Partners, through its wholly owned subsidiary Teekay LNG Operating, and Marubeni Corporation (Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation indirect joint control over Maersk LNG A/S (Denmark), by way of a purchase of shares.
2. The business activities of the undertakings concerned are:
  - Teekay LNG Partners provides LNG, liquefied petroleum gas and crude oil marine transportation services,
  - Marubeni Corporation is involved in the handling of products and provision of services in a broad range of sectors. These areas encompass importing and exporting, as well as transactions in the Japanese market, related to food materials, food products, textiles, materials, pulp and paper, chemicals, energy, metals and mineral resources, transportation machinery, and include offshore trading. Marubeni's activities also extend to power projects and infrastructure, plants and industrial machinery, finance, logistics and information industry, and real estate development and construction. Additionally, Marubeni conducts business investment, development and management on a global level,
  - Maersk LNG A/S provides LNG transportation services by vessels especially designed to transport LNG.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6434 — Teekay/Marubeni/Maersk LNG, to the following address:

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

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

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

**Prior notification of a concentration****(Case COMP/M.6433 — Glencore International plc/Carlo Colombo SpA)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2011/C 339/17)

1. On 14 November 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the Glencore International plc ('Glencore', Jersey) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over Carlo Colombo SpA ('Carlo Colombo', Italy) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Glencore: producer and marketer of commodities and raw materials,
  - for Carlo Colombo: producer of copper rods and semi-finished copper products.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6433 — Glencore International plc/Carlo Colombo SpA, to the following address:

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

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

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



**Prior notification of a concentration**  
**(Case COMP/M.6431 — Evonik Degussa/Treibacher Industries/JV)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
**(2011/C 339/18)**

1. On 14 November 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings Evonik Industries AG ('Evonik', Germany) and Treibacher Industrie AG ('Treibacher', Austria) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture ('JV', Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Evonik: production of specialty chemicals,
  - for Treibacher: production of chemical and metallurgical products,
  - for JV: production and sale of certain persalts, specifically sodium perborate and sodium percarbonate, chemicals mainly used in synthetic detergents and washing powders.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6431 — Evonik Degussa/Treibacher Industries/JV, to the following address:

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

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

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

**CORRIGENDA****Corrigendum to Notification pursuant to Article 114(5) of the TFEU — Request for an authorisation to introduce national legislation being more stringent than provisions of an EU harmonisation measure**

*(Official Journal of the European Union C 309 of 21 October 2011)*

(2011/C 339/19)

On page 8, first paragraph:

*for:* 'On 17 May 2011, the Kingdom of Sweden notified ...',

*read:* 'On 17 October 2011, the Kingdom of Sweden notified ...'.

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## PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

**European Commission**

2011/C 339/13	Prior notification of a concentration (Case COMP/M.6401 — Waterland/Alychlo/Omega Pharma) <sup>(1)</sup>	18
2011/C 339/14	Prior notification of a concentration (Case COMP/M.6407 — Apache/Mobil North Sea) — Candidate case for simplified procedure <sup>(1)</sup>	19
2011/C 339/15	Prior notification of a concentration (Case COMP/M.6403 — Volkswagen/KPI Polska/Skoda Auto Polska/VW Bank Polska/VW Leasing Polska) <sup>(1)</sup>	20
2011/C 339/16	Prior notification of a concentration (Case COMP/M.6434 — Teekay/Marubeni/Maersk LNG) — Candidate case for simplified procedure <sup>(1)</sup>	21
2011/C 339/17	Prior notification of a concentration (Case COMP/M.6433 — Glencore International plc/Carlo Colombo SpA) — Candidate case for simplified procedure <sup>(1)</sup>	22
2011/C 339/18	Prior notification of a concentration (Case COMP/M.6431 — Evonik Degussa/Treibacher Industries/JV) — Candidate case for simplified procedure <sup>(1)</sup>	23

**Corrigenda**

2011/C 339/19	Corrigendum to Notification pursuant to Article 114(5) of the TFEU — Request for an authorisation to introduce national legislation being more stringent than provisions of an EU harmonisation measure (OJ C 309, 21.10.2011)	24
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<sup>(1)</sup> Text with EEA relevance

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