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Price:
EUR 3⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN COMMISSION

COMMISSION OPINION

of 30 May 2012

relating to the plan for the disposal of radioactive waste arising from the interim storage facilities for intermediate-level waste and spent fuel at the Hinkley Point C nuclear power station site, located in Somerset, United Kingdom, in accordance with Article 37 of the Euratom Treaty

(Only the English text is authentic)

(2012/C 154/01)

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation.

On 27 January 2012, the European Commission received from the Government of the United Kingdom, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste arising from the interim storage facilities for intermediate-level waste and spent fuel at the Hinkley Point C nuclear power station site, located in Somerset, United Kingdom.

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

1. The distance from the site to the nearest Member States is 185 km for France and 250 km for Ireland.
2. Under normal operating conditions, the discharges of liquid and gaseous radioactive effluents are unlikely to cause an exposure of the population in another Member State that is significant from the point of view of health.
3. Secondary solid low-level radioactive waste is temporarily stored on site before transfer to disposal facilities authorised by the United Kingdom regulatory authorities. Non-radioactive solid waste or residual materials will be released for

disposal as conventional waste or for reuse or recycling in compliance with the criteria which are consistent with Directive 96/29/Euratom.

4. In the event of unplanned releases of radioactive effluents, which may follow an accident of the type and magnitude considered in the General Data, the doses likely to be received by the population in another Member State would not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that, both in normal operation and in the event of an accident of the type and magnitude considered in the General Data, the implementation of the plan for the disposal of radioactive waste in whatever form from the interim storage facilities for intermediate-level waste and spent fuel at the Hinkley Point C nuclear power station site, located in Somerset, United Kingdom, is not liable to result in radioactive contamination of the water, soil or airspace of another Member State that would be significant from the point of view of health.

Done at Brussels, 30 May 2012.

For the Commission
Günther OETTINGER
Member of the Commission

II

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

EUROPEAN COMMISSION

Initiation of proceedings**(Case COMP/M.6471 — Outokumpu/Inoxum)****(Text with EEA relevance)**

(2012/C 154/02)

On 21 May 2012, the Commission decided to initiate proceedings in the abovementioned case after finding that the notified concentration raises serious doubts as to its compatibility with the internal market. The initiation of proceedings opens a second phase investigation with regard to the notified concentration, and is without prejudice to the final decision on the case. The decision is based on Article 6(1)(c) of Council Regulation (EC) No 139/2004.

The Commission invites interested third parties to submit their observations on the proposed concentration to the Commission.

In order to be fully taken into account in the procedure, observations should reach the Commission not later than 15 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301 / 22967244) or by post, under reference COMP/M.6471 — Outokumpu/Inoxum, to the following address:

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

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

30 May 2012

(2012/C 154/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2438	AUD	Australian dollar	1,2729
JPY	Japanese yen	98,38	CAD	Canadian dollar	1,2784
DKK	Danish krone	7,4312	HKD	Hong Kong dollar	9,6551
GBP	Pound sterling	0,79775	NZD	New Zealand dollar	1,6402
SEK	Swedish krona	8,9555	SGD	Singapore dollar	1,5948
CHF	Swiss franc	1,2010	KRW	South Korean won	1 465,19
ISK	Iceland króna		ZAR	South African rand	10,5086
NOK	Norwegian krone	7,5145	CNY	Chinese yuan renminbi	7,8920
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,5555
CZK	Czech koruna	25,658	IDR	Indonesian rupiah	11 976,30
HUF	Hungarian forint	298,95	MYR	Malaysian ringgit	3,9329
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	54,116
LVL	Latvian lats	0,6982	RUB	Russian rouble	40,5650
PLN	Polish zloty	4,3873	THB	Thai baht	39,627
RON	Romanian leu	4,4675	BRL	Brazilian real	2,4921
TRY	Turkish lira	2,2930	MXN	Mexican peso	17,3868
			INR	Indian rupee	69,9420

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

Opinion of the Advisory Committee on mergers given at its meeting of 4 October 2011 regarding a draft decision relating to case COMP/M.6214 — Seagate Technology/The HDD Business of Samsung

Rapporteur: Italy

(2012/C 154/04)

Concentration

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.
2. The Advisory Committee agrees with the Commission that the notified transaction has an EU dimension pursuant to Article 1(3) of the Merger Regulation.

Market definition

3. The Advisory Committee agrees with the Commission's definitions of the relevant product markets in the draft decision.

In particular, concerning the product market definition, the Advisory Committee agrees that the impact of the proposed transaction must be assessed on the following markets:

- (a) the market for 3,5" mission-critical enterprise HDDs;
 - (b) the market for 3,5" business-critical enterprise HDDs;
 - (c) the market for 3,5" desktop HDDs;
 - (d) the market for 3,5" CE HDDs;
 - (e) the market for 2,5" mobile HDDs;
 - (f) the market for 2,5" CE HDDs; and
 - (g) the XHDD market.
4. The Advisory Committee agrees with the geographic market definition for:
 - (a) HDDs; and
 - (b) XHDDs.

Counterfactual

5. The Advisory Committee agrees with the Commission that, for the purpose of the competitive assessment of the proposed transaction, the most appropriate approach is to adopt the priority rule ('first come, first served') based on the date of notification.
6. The Advisory Committee agrees with the Commission that the proposed transaction must be assessed in the light of the competitive situation that prevailed at the time of its notification, i.e. without taking into consideration the transaction in Case COMP/M.6203 Western Digital/Viviti Technologies (Hitachi Global Storage Technologies, recently renamed Viviti Technologies).

Competitive assessment

Non-coordinated effects

7. The Advisory Committee agrees with the Commission's view that non-coordinated effects must be assessed on the following markets:
 - (a) the worldwide market for 3,5" desktop HDDs;
 - (b) the worldwide market for 2,5" mobile HDDs;
 - (c) the worldwide market for 3,5" business-critical enterprise HDDs;
 - (d) the worldwide market for 3,5" CE HDDs; and
 - (e) the EEA-wide XHDD market.

8. The Advisory Committee agrees with the Commission's assessment that post-transaction customers will have the possibility to source from at least three strong HDD suppliers and that the proposed transaction will not impact the ability of customers to multi-source and switch suppliers in all of the relevant HDD markets.
9. The Advisory Committee agrees with the Commission's assessment that Seagate and Samsung HDD are not particularly close competitors in any of the relevant HDD markets.
10. The Advisory Committee agrees with the Commission's assessment that the proposed transaction will not eliminate an important competitive force due to Samsung's less competitive and innovative abilities.
11. As regards the EEA-wide XHDD market, the Advisory Committee agrees with the Commission's assessment that:
 - (a) the acquisition of Samsung would not considerably increase Seagate's market position;
 - (b) even considering the current market trend of HDD manufacturers gaining rapidly market shares to the detriment of the non-integrated XHDD suppliers, three credible alternative suppliers would remain present in the EEA-wide XHDD market after the transaction; and
 - (c) the merged entity will have neither the ability nor the incentive to foreclose a significant part of the market.
12. The Advisory Committee agrees with the Commission's conclusion that the proposed transaction is not likely to give rise to non-coordinated effects that would significantly impede effective competition on the worldwide HDD markets for 3,5" desktop HDDs, 2,5" mobile HDDs, 3,5" business-critical HDDs, and 3,5" CE HDDs nor on the EEA-wide XHDD market.

Coordinated effects

13. The Advisory Committee agrees with the Commission's assessment that it is likely that the proposed transaction will not increase the ability of the remaining HDD suppliers to reach terms of coordination.
14. In particular, the Advisory Committee agrees with the Commission's view that:
 - (a) the removal of Samsung HDD does not cause a material merger-specific effect in a number of relevant markets due to Samsung's lack of or insignificant presence on the markets for 3,5" business-critical enterprise HDDs and 3,5" CE HDDs;
 - (b) on the 3,5" desktop HDD market, Samsung is not a particularly strong innovative force or a particularly strong competitor and therefore the effect of Samsung's removal is likely to be limited with regard to coordinated effects;
 - (c) on the 3,5" desktop HDD market the level of post-merger asymmetry would remain high;
 - (d) it appears likely that HGST would have strong incentives not to participate in any coordination in the 3,5" desktop HDD market.
15. The Advisory Committee agrees with Commission's conclusion that the proposed transaction is not likely to give rise to a significant impediment to effective competition stemming from coordinated effects.

Vertical effects

16. Concerning vertical relationships between the downstream HDD markets and the upstream markets for head components, the Advisory Committee agrees with the Commission's conclusion that the proposed transaction is not likely to impede effective competition.
17. Concerning vertical relationships between the downstream HDD markets and the upstream markets for media components, the Advisory Committee agrees with the Commission's conclusion that the proposed transaction is not likely to impede effective competition.

Conclusion

18. The Advisory Committee agrees with the Commission's conclusion that the proposed transaction is not likely to significantly impede effective competition in the internal market or in a substantial part of it.
 19. The Advisory Committee agrees with the Commission's conclusion that the notified concentration must be declared compatible with the internal market and the functioning of the EEA Agreement in accordance with Articles 2(2) and 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.
 20. The Advisory Committee recommends the publication of its Opinion in the *Official Journal of the European Union*.
-

Final Report of the Hearing Officer ⁽¹⁾
COMP/M.6214 — Seagate/HDD Business of Samsung
(2012/C 154/05)

On 19 April 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽²⁾ (hereinafter referred to as the 'Merger Regulation') by which Seagate Technology Public Limited Company ('Seagate') acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the hard disk drive ('HDD') business of Samsung Electronics Co., Ltd ('the Samsung HDD business') by way of purchase of assets.

Upon examination of the notification, the Commission concluded that the operation fell within the scope of the Merger Regulation and raised serious doubts as to its compatibility with the internal market and the Agreement on the European Economic Area. On 30 May 2011, the Commission accordingly initiated proceedings pursuant to Article 6(1)(c) of the Merger Regulation.

The results of the in-depth market investigation did not confirm the serious doubts of the previous phase. The Commission considers that the proposed transaction does not significantly impede effective competition in the relevant markets. The notified concentration is therefore cleared without issuing a Statement of Objections pursuant to Article 8(1) of the Merger Regulation.

I received no request of procedural nature from the parties to the transaction. One third party, however, submitted to me a request for access to the file, after its initial request had been rejected by the team in charge of the case at DG Competition. I rejected such request since third parties do not have the right of access to the file in merger proceedings ⁽³⁾. When they apply to be heard, third parties showing sufficient interest only have the right to be informed by the Commission of the nature and subject matter of the proceedings ⁽⁴⁾. In any event, in the present case, the third party requesting access to the file did not apply to be heard.

In view thereof, I consider that the right to be heard of all participants in this case has been respected.

Brussels, 5 October 2011.

Wouter WILS

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

⁽²⁾ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ('TFEU') has introduced certain changes, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this report.

⁽³⁾ Only the notifying party and the 'other involved parties' (within the meaning of Article 11(b) of Regulation (EC) No 802/2004) have such a right in accordance with Article 17 of Regulation (EC) No 802/2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ L 133, 30.4.2004, p. 1) ('Regulation (EC) No 802/2004').

⁽⁴⁾ Article 16(1) of Regulation (EC) No 802/2004.

Summary of Commission Decision

of 19 October 2011

declaring a concentration compatible with the internal market and the functioning of the EEA Agreement

(Case COMP/M.6214 — Seagate/HDD Business of Samsung)

(notified under document C(2011) 7592)

(Only the English version is authentic)

(Text with EEA relevance)

(2012/C 154/06)

On 19 October 2011, the Commission adopted a decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings ⁽¹⁾ (hereinafter referred to as the 'Merger Regulation'), and in particular Article 8(1) of that Regulation. A non-confidential version of the full decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address:

http://ec.europa.eu/comm/competition/index_en.html

I. THE PARTIES

- (1) Seagate Technology Public Limited Company ('Seagate', US) designs, manufactures and sells a broad range of computer storage devices, consisting mostly of hard disk drives ('HDDs') and external hard disk drives ('XHDDs'). Its operations are vertically-integrated upstream in the manufacturing of key components, such as read/write heads and thin-film recording media.
- (2) Samsung Electronics Co., Ltd ('Samsung', South Korea) is active in high-tech electronics manufacturing and digital media. The HDD Business of Samsung (hereinafter 'Samsung HDD') designs, manufactures, markets and sells HDDs and XHDDs. Samsung HDD is not vertically-integrated upstream in the manufacturing of components. Although Samsung is also active in solid state drives ('SSDs'), this business will not be transferred to Seagate.

II. THE OPERATION

- (3) On 19 April 2011, the Commission received a formal notification pursuant to Article 4 of the Merger Regulation by which Seagate, through its subsidiary Seagate Technology Public Limited Company, acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the HDD business of Samsung by way of purchase of assets.
- (4) The transaction concerns the acquisition by Seagate of sole control over the HDD Business of Samsung. The business to be acquired consists of substantially all tangible and intangible assets used exclusively by Samsung in the

research and development, manufacture and sale of HDDs and XHDDs which are owned or leased by Samsung. The transaction constitutes therefore a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

- (5) The transaction has an EU dimension pursuant to Article 1(2) of the Merger Regulation.

III. SUMMARY

A. Analytical framework

- (6) Another concentration affecting the same markets, namely the acquisition by Western Digital ('WD') of the HDD and SSD businesses of Hitachi Global Storage Technologies ('HGST'), was notified to the Commission on 20 April 2011, one day after the present transaction.
- (7) Assessing the competitive effects of a proposed concentration under the Merger Regulation involves a comparison of the competitive conditions that would result from the notified merger with the conditions that would have prevailed in absence of the merger. In principle, the competitive conditions existing at the time of notification constitute the relevant framework of comparison for evaluating the effects of a concentration. However, in some circumstances the Commission may take into account future changes to the market that can reasonably be predicted.
- (8) It is inherent in the general system of the Merger Regulation that a party that is the first to notify a concentration which, assessed on its own merits, would not significantly

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

impede effective competition in the internal market or in a substantial part thereof, is entitled to have its operation declared compatible with the internal market within the applicable time limits. It is neither necessary nor appropriate to take into account future changes to the market conditions resulting from concentrations subsequently notified.

- (9) The 'first come, first served' approach is the only one that ensures sufficient legal certainty and objectivity. Ensuring legal certainty is one of the primary aims of the Merger Regulation.
- (10) Furthermore, under the scheme of the Merger Regulation, the date of notification is the most appropriate basis for applying the priority rule. It is a clear and objective criterion, determined in all cases in accordance with the rules of Article 5 of Regulation (EC) No 802/2004, which fits into a notification-based system of merger control.
- (11) Consistent with its recent practice, the Commission has decided to assess the present transaction according to a priority rule ('first come, first served') based on the date of notification. Therefore, in view of the dates of notification, the present transaction is assessed independently from the WD/HGST transaction taking into account as starting point of the Commission's assessment a market structure with the following HDD suppliers: Seagate, WD, HGST, Toshiba, and Samsung HDD.

B. The relevant market

1. Introduction

- (12) HDDs are devices that use one or more rotating disks with magnetic surfaces (media) to store and allow access to data. HDDs provide non-volatile data storage, which means that the data remains present when power is no longer applied to the device.
- (13) The main components of a hard drive are the head disk assembly ('HDA') and the printed circuit board assembly ('PCBA'). Toshiba and Samsung HDD purchase major components such as heads and media from third party manufacturers, such as TDK for heads and Showa Denko for media. Other suppliers, namely Seagate, WD and HGST, self-supply the large majority of these key components.
- (14) Differentiation of HDDs is possible according to their technical characteristics, such as size (3,5", 2,5", 1,8" form factors), rotational speed (seek time), storage capacity and the type of interface.

- (15) Further, HDDs are customarily categorised by reference to their end use, in particular:

(a) Enterprise HDDs

- (16) Enterprise HDDs are used mainly in servers and enterprise storage systems. Enterprise HDDs can be further segmented in: (i) mission critical HDDs (employed in high performance servers or storage arrays which require 99,999 % reliability); and (ii) business critical HDDs (used in the large storage facilities or server farms of Internet companies which run 24/7).

(b) Desktop HDDs

- (17) Desktop HDDs are incorporated in personal computers intended for regular use at a single location (homes, businesses and multi-user networks). Nearly all HDDs for desktop applications are based on the 3,5" form factor, which offers the highest storage capacity with the lowest price per GB.

(c) Mobile HDDs

- (18) Mobile HDDs are incorporated primarily in notebook computers and other mobile devices. Individuals use mobile computers both in and away from homes and businesses. Most mobile HDDs are based on the 2,5" form factor. They are generally more expensive and have less capacity than 3,5" desktop HDDs.

(d) CE HDDs

- (19) CE HDDs are used in: (i) digital video recorders ('DVRs') and satellite and cable set-top boxes ('STBs'); and (ii) game consoles. HDDs supplied for CE applications include both 3,5" and 2,5" form factor drives as well as a small volume of 1,8" drives⁽¹⁾. As opposed to HDDs used in PC applications (whether desktop or mobile), 2,5" and 3,5" HDDs used in CE products are provided with specific firmware codes customised according to the specific application purpose.

2. Different HDDs markets according to form factor and end-use

- (20) The Commission's investigation revealed that there is no demand-side substitutability across all HDDs since the various end-use applications where HDDs are incorporated largely determine the technical requirements of HDDs (capacity, interface, rpm and form factor). In addition, within the same end-use application HDDs with different form factors (namely 3,5" and 2,5") are not substitutable from a customer stand-point.

⁽¹⁾ The 1,8" drive will not be discussed as neither Seagate nor Samsung manufactures this type of HDDs.

- (21) HDDs employed in different end-use applications are also subject to different industry dynamics and different supply chain models. The Commission's investigation also indicated that there is no sufficient supply-side substitutability across all types of HDDs in terms of effectiveness and immediacy. In the absence of such supply-side substitution, the market cannot be defined in a broader manner.
- (22) The Commission defined the following relevant product markets: (i) enterprise mission critical HDDs ⁽¹⁾; (ii) 3,5" enterprise business critical HDDs; (iii) 3,5" desktop HDDs; (iv) 3,5" consumer electronics ('CE') HDDs; (v) 2,5" mobile HDDs; and (vi) 2,5" CE HDDs.
- (23) The Commission's investigation and previous decisions indicated that all the HDD markets are worldwide in scope.

3. XHDDs

- (24) External hard disk drives (XHDDs) allow PC users to supplement the storage space of their PC systems, their home and small office networks, or their CE devices. They provide stand-alone storage solutions. XHDDs use HDDs as inputs. Unlike internal HDDs, XHDDs are sold as finished products on the merchant market and substantially target different customers, mainly end users of PC and CE devices as opposed to original equipment manufacturers (OEMs). XHDDs are a predominantly branded business.
- (25) The Commission considers that XHDDs constitute a separate product market that is downstream of HDDs. The Commission further considers that the XHDD market is currently regional and therefore must be assessed at the EEA-wide level as the customers as well as the customer mix differ significantly between the regions. Also the identity and numbers of XHDD suppliers vary across the different regions in the world.
- (26) According to its own estimates, Seagate is currently the largest HDD supplier in terms of revenues, and a close second to WD in terms of volume for HDDs overall. It is the largest supplier on the markets for enterprise mission critical HDDs ([60-70] % market share in revenues), enterprise business critical HDDs ([30-40] % market share in revenues) and 3,5" CE HDDs ([40-50] % market share in revenues), the second largest supplier on the market for 3,5" desktop HDDs ([30-40] % market share in revenues) and the third largest supplier on the market for 2,5" mobile HDDs ([10-20] % market share in revenues).
- (27) The activities of Seagate and Samsung HDD overlap in all the HDD markets with the exception of the market for enterprise mission critical HDDs (where Samsung is not present) which is therefore not assessed for the purpose of the present decision. As a result of the proposed transaction, Seagate will become the leading player on all the HDDs markets with the exception of the market for 2,5" CE HDDs which is not affected ⁽²⁾.
- (28) Market structure and competitive dynamics vary for each of the relevant HDDs markets. A number of factors are nonetheless relevant for the Commission's competitive assessment for each of these markets, as explained herein below.
- (29) The Commission finds that products on the HDD markets have features of differentiated products rather than pure commodity products.
- (30) The Commission's investigation indicated that multi-sourcing is very important for HDD customers for reasons of security of supply as well as to receive competitively priced supply. The Commission's investigation further pointed out that three qualified and reliable suppliers would be enough for an effective multi-sourcing policy. Since the Commission's investigation confirmed that both WD and HGST are qualified as valid and reliable HDD suppliers by HDD customers, it follows that post-transaction the ability of OEMs to multi-source will not be impacted.
- (31) Seagate and Samsung HDD are not close competitors. Samsung HDD and Seagate have different customer groups. Samsung HDD does not appear to be a significant supplier to OEMs as compared to Seagate and the other HDD competitors.
- (32) Vertical integration upstream confers a significant competitive advantage to HDD suppliers. While Seagate is vertically integrated, Samsung HDD has to rely on a third party for its supply of key HDD components.
- (33) The Commission's investigation indicated that there would be no likelihood of timely and sufficient entry by a new

C. Competitive assessment

Non-coordinated effects

- (26) According to its own estimates, Seagate is currently the largest HDD supplier in terms of revenues, and a close second to WD in terms of volume for HDDs overall. It is the largest supplier on the markets for enterprise mission critical HDDs ([60-70] % market share in revenues), enterprise business critical HDDs ([30-40] % market share in revenues) and 3,5" CE HDDs ([40-50] % market share in revenues), the second largest supplier on the market for 3,5" desktop HDDs ([30-40] % market share in revenues) and the third largest supplier on the market for 2,5" mobile HDDs ([10-20] % market share in revenues).
- (27) The activities of Seagate and Samsung HDD overlap in all the HDD markets with the exception of the market for enterprise mission critical HDDs (where Samsung is not present) which is therefore not assessed for the purpose of the present decision. As a result of the proposed transaction, Seagate will become the leading player on all the HDDs markets with the exception of the market for 2,5" CE HDDs which is not affected ⁽²⁾.
- (28) Market structure and competitive dynamics vary for each of the relevant HDDs markets. A number of factors are nonetheless relevant for the Commission's competitive assessment for each of these markets, as explained herein below.
- (29) The Commission finds that products on the HDD markets have features of differentiated products rather than pure commodity products.
- (30) The Commission's investigation indicated that multi-sourcing is very important for HDD customers for reasons of security of supply as well as to receive competitively priced supply. The Commission's investigation further pointed out that three qualified and reliable suppliers would be enough for an effective multi-sourcing policy. Since the Commission's investigation confirmed that both WD and HGST are qualified as valid and reliable HDD suppliers by HDD customers, it follows that post-transaction the ability of OEMs to multi-source will not be impacted.
- (31) Seagate and Samsung HDD are not close competitors. Samsung HDD and Seagate have different customer groups. Samsung HDD does not appear to be a significant supplier to OEMs as compared to Seagate and the other HDD competitors.
- (32) Vertical integration upstream confers a significant competitive advantage to HDD suppliers. While Seagate is vertically integrated, Samsung HDD has to rely on a third party for its supply of key HDD components.
- (33) The Commission's investigation indicated that there would be no likelihood of timely and sufficient entry by a new

⁽¹⁾ For the purpose of the decision, there is no need to differentiate enterprise mission critical HDDs according to form factor as no competition concerns arise in this market under any alternative product market definition.

⁽²⁾ Given that the parties' combined market share is below 15 %.

HDD competitor. In any event, the proposed transaction will not significantly impede effective competition in any of the HDD markets.

- (34) For the reasons explained hereinafter, the proposed transaction will not significantly impede effective competition in any of the worldwide HDD markets or on the EEA-wide XHDD market.
- (35) The transaction will lead to a reduction in the number of suppliers from four to three on the markets for 3,5" desktop HDDs and 3,5" CE HDDs, and from five to four suppliers on the markets for 2,5" mobile HDDs and 3,5" enterprise business critical HDDs.
- (36) On the markets for 3,5" CE HDDs and 3,5" enterprise business critical HDDs, the transaction will only lead to a small increment in Seagate's market share as Samsung's market share is very small (less than 2 %).
- (37) The Commission's investigation revealed that although the merged entity will enjoy a substantial market share on the market for 3,5" desktop HDDs, it will continue to face at least two strong competitors with significant market shares, namely WD and HGST. Moreover, Seagate and Samsung are not particularly close competitors. With three remaining suppliers, customers will retain sufficient possibilities to switch suppliers and effectively multi-source. In case of a price increase, HGST and WD are likely to have the ability and the incentive to increase supply. Lastly, the merger does not eliminate a particularly important competitive force on the market for 3,5" desktop HDDs.
- (38) These findings are *a fortiori* valid for the market for 2,5" mobile HDDs where after the transaction there will remain four competitors and, in addition to WD and HGST, the merged entity will also face Toshiba as a competitor.
- (39) As regards the EEA XHDD market, this market is growing faster than the internal HDD markets. On the supply side, the XHDD market seems to be less concentrated than the HDDs markets. In addition to the HDD producers, there are alternative XHDD suppliers which are not vertically-integrated upstream in the manufacturing of HDDs.
- (40) The Commission's investigation indicated that: (i) Seagate is only the second biggest player in the market ([10-20] %) and shares its second position with Iomega; (ii) the acquisition of Samsung HDD which is currently the number six player in the market ([0-5] %) would not increase considerably Seagate's market position and the merged entity would have a market share below 25 %

on the EEA XHDD market, from which the absence of any anticompetitive effects can be presumed; (iii) there would be still enough players active on the EEA XHDD market in the near future which would compete with the merged entity; and (iv) the proposed transaction is unlikely to enable the merged entity to hinder expansion by most of its competitors as it will not have the ability nor incentive to make the expansion of non-vertically integrated players more costly.

Coordinated effects

- (41) The Commission's market investigation did not reveal evidence of successful coordination in the relevant markets in which there are currently four HDD suppliers, such as the market for 3,5" desktop HDDs. This indicates that a reduction to four HDD manufacturers post-merger will not automatically lead to a merger-specific risk of coordination.
- (42) The removal of Samsung HDD does not bring a material merger-specific effect in a number of relevant markets due to Samsung HDD's lack of or small presence⁽¹⁾ on these markets prior to the proposed transaction. This applies notably to the markets for enterprise mission critical HDDs, for 3,5" enterprise business critical HDDs, and for 3,5" CE HDDs.
- (43) As regards the market for 3,5" desktop HDDs, it can be noted that Samsung HDD is not a particularly strong innovative force or a particularly strong competitor.
- (44) In the market for 3,5" desktop HDDs, the level of post-merger asymmetry would remain high taking into account that the difference between the combined entity and HGST is more than 3,5:1, and between Western Digital and HGST of more than 3:1. In addition, the Commission's investigation showed that HGST has the incentive to expand sales and grow its [10-20] % share and it is unlikely to accept the status quo of remaining in a distant third place on the market.
- (45) The proposed transaction does therefore not give rise to a significant impediment to effective competition stemming from coordinated effects in the relevant HDD markets.

Vertical relationships

- (46) The proposed transaction gives rise to vertical relationships between the upstream markets for: (i) heads and (ii) media which are two of the components used in the manufacture of HDDs, and (iii) the downstream markets for HDDs which use those components.

⁽¹⁾ Equal or less than 2 % market share.

(47) Contrary to Seagate, Samsung is not vertically-integrated upstream in the production of HDD components such as heads or media. Toshiba is also not vertically-integrated and depends on third party suppliers for its sourcing of heads and media.

(48) The Commission's investigation however revealed that after the transaction Seagate will not have the ability or incentive to pursue a foreclosure strategy against TDK (the only supplier of heads in the merchant market) which would risk weakening TDK and in turn endanger the competitive supply of this key component to Toshiba. In particular, pursuant to the Letter of Intent entered between Seagate and TDK on 3 August 2011, the merged entity will continue buying a sufficient volume of heads from TDK at least until 2014.

(49) The Commission's investigation also indicated that the proposed transaction is not likely to have any significant adverse effect on Samsung's current suppliers of media (Showa Denko and Fuji).

IV. CONCLUSION

(50) For the reasons mentioned above, the decision concludes that the proposed concentration will not significantly impede effective competition in the internal market or in a substantial part of it.

(51) Consequently, the concentration should be declared compatible with the internal market and the functioning of the EEA Agreement, in accordance with Article 2(2) and Article 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.

Commission notice concerning the date of application of the protocols on rules of origin providing for diagonal cumulation of origin between the European Union, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia ⁽¹⁾ and Turkey

(2012/C 154/07)

For the purpose of the creation of diagonal cumulation of origin among the European Union, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey, the European Union and the countries concerned notify each other, through the European Commission, of the origin rules in force with the other countries.

Based on the notifications received from the countries concerned, the table here enclosed gives an overview of the protocols on rules of origin providing for diagonal cumulation specifying the date from which such cumulation becomes applicable. This table replaces the previous one (OJ C 63, 2.3.2012, p. 8).

It is recalled that cumulation can only be applied if the countries of final manufacture and of final destination have concluded free trade agreements, containing identical rules of origin, with all the countries participating in the acquisition of originating status, i.e. with all the countries in which all the materials used originate. Materials originating in a country which has not concluded an agreement with the countries of final manufacture and of final destination must be treated as non-originating.

It is also recalled that the materials originating in Turkey covered by the EU/Turkey customs union can be incorporated as originating materials for the purpose of diagonal cumulation between the European Union and the countries participating in the Stabilisation and Association Process with which an origin protocol is in force.

The ISO-Alpha-2 codes for countries listed in the table are given here below:

— Albania	AL
— Bosnia and Herzegovina	BA
— Croatia	HR
— The former Yugoslav Republic of Macedonia	MK (*)
— Montenegro	ME
— Serbia	RS
— Turkey	TR

⁽¹⁾ Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia are the countries participating in the Stabilisation and Association Process.

(*) ISO code 3166. Provisional code which does not prejudice in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place under the auspices of the United Nations.

Date of application of the protocols on rules of origin providing for diagonal cumulation between the European Union, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey

	EU	AL	BA	HR	MK	ME	RS	TR
EU		1.1.2007	1.7.2008	1.6.2011	1.1.2007	1.1.2008	8.12.2009	(¹)
AL	1.1.2007		22.11.2007	22.8.2007	26.7.2007	26.7.2007	24.10.2007	1.8.2011
BA	1.7.2008	22.11.2007		22.11.2007	22.11.2007	22.11.2007	22.11.2007	14.12.2011
HR	1.6.2011	22.8.2007	22.11.2007		22.8.2007	22.8.2007	24.10.2007	1.5.2012
MK	1.1.2007	26.7.2007	22.11.2007	22.8.2007		26.7.2007	24.10.2007	1.7.2009
ME	1.1.2008	26.7.2007	22.11.2007	22.8.2007	26.7.2007		24.10.2007	1.3.2010
RS	8.12.2009	24.10.2007	22.11.2007	24.10.2007	24.10.2007	24.10.2007		1.9.2010
TR	(¹)	1.8.2011	14.12.2011	1.5.2012	1.7.2009	1.3.2010	1.9.2010	

(¹) For goods covered by the EU-Turkey customs union, the date of application is 27 July 2006.

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding closure of fisheries

(2012/C 154/08)

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 ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	23.4.2012
Duration	23.4.2012-31.12.2012
Member State	The Netherlands
Stock or group of stocks	HKE/571214
Species	Hake (<i>Merluccius merluccius</i>)
Zone	VI and VII; EU and international waters of Vb; international waters of XII and XIV
Type(s) of fishing vessels	—
Reference number	—

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

Information communicated by the EFTA States regarding State aid granted under the Act referred to in point 1j of Annex XV to the EEA Agreement (Commission Regulation (EC) No 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation))

(2012/C 154/09)

PART I

Aid No	GBER 6/12/EMP	
EFTA State	Norway	
Granting authority	Name	The Norwegian Labour and Welfare Administration
	Address	Postboks 5 St. Olavs plass 0130 Oslo NORWAY
	Webpage	http://www.nav.no
Title of the aid measure	(Forskrift om forsøk med funksjonsassistanse i arbeidslivet)	
National legal basis (Reference to the relevant national official publication)	Regulation (EU) No 1363/2011	
Web link to the full text of the aid measure	http://www.lovddata.no/for/sf/ad/xd-20111212-1363.html	
Type of measure	Scheme	X
Duration	Scheme	From 1.1.2012 until 31.12.2013
Economic sector(s) concerned	All economic sectors eligible to receive aid	X
Type of beneficiary	SME	X
	Large enterprises	X
Budget	Annual overall amount of the budget planned under the scheme	Approximately NOK 30 million
	For guarantees	NOK ... million
Aid instrument (Article 5)	Grant	X

PART II

General objectives (list)	Objectives (list)	Maximum aid intensity in % or maximum aid amount in NOK	SME — bonuses in %
Aid for disadvantaged and disabled workers (Articles 40-42)	Aid for the recruitment of disadvantaged workers in the form of wage subsidies (Article 40)	... %	
	Aid for the employment of disabled workers in the form of wage subsidies (Article 41)	... %	
	Aid for compensating the additional costs of employing disabled workers (Article 42)	Documented additional costs for the assistant, for one year at the time	

Information communicated by the EFTA States regarding State aid granted under the Act referred to in point 1j of Annex XV of the EEA Agreement (Commission Regulation (EC) No 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation))

(2012/C 154/10)

PART I

Aid No	GBER 7/12/ENV	
EFTA State	Norway	
Region	Name of the region (NUTS) Level 3: County Hordaland	Regional aid status: mixed areas
Granting authority	Name	Osterfjord Nærings samarbeid, ved Industrikonulenten på Osterøy
	Address	5282 Lonevåg NORWAY
	Webpage	http://www.rup.no search for 'Osterfjord'
Title of the aid measure	Pilotprosjekt for å utløse ei bioenerginæring i Hordaland (Pilot project to stimulate establishing of a bioenergy sector in the Hordaland region)	
National legal basis (Reference to the relevant national official publication)	Funding from Hordaland County Council, letter of 20 December 2006, FK06-06. Reference number: 200504724-16/3/AARN	
Web link to the full text of the aid measure	http://www.rup.no/vision/vision1.aspx?hierarchyid=753&type=5	
Type of measure	Scheme	Yes
Amendment of an existing aid measure	No	
	Prolongation	From 31.12.2011 to 31.12.2012
Duration	Scheme	19.12.2008 to 31.12.2012
Economic sectors concerned	All economic sectors eligible to receive aid	
	Limited to specific sectors — please specify in accordance with NACE Rev. 2	Article 23: Production of energy from renewable biological energy sources within following sectors: 35.113 Production of electricity through biofuel, burning of waste and landfill gas (35.113 Produksjon av elektrisitet fra biobrensel, avfallsforbrenning og deponiggass) 35.3 Steam and air conditioning supply (35.3 Damp- og varmtvannsforsyning) Article 15: no prolongation
Type of beneficiary	SME	Yes
	Large enterprises	No

Budget	Annual overall amount of the budget planned under the scheme	For the whole period of 4 years: NOK 2 million
Aid instrument (Article 5)	Grant	Yes

PART II

General objectives (list)	Objectives (list)	Maximum aid intensity in % or maximum aid amount in NOK	SME — bonuses in %
Aid for Environmental protection (Articles 17–25)	Environmental investment aid for the promotion of energy from renewable energy sources (Article 23)	45 %	20 % small enterprises, 10 % medium-sized enterprises
	Aid for environmental studies (Article 24)	... %	
	Aid in the form of reductions in environmental taxes (Article 25)	NOK ...	

View of the representatives of the EFTA States and the EFTA Surveillance Authority presented at the meeting of the Advisory Committee on mergers given at its meeting of 4 October 2011 regarding a draft decision relating to Case COMP/M.6214 — Seagate Technology/The HDD Business of Samsung

Rapporteur: Italy

(2012/C 154/11)

Concentration

1. The EFTA States and ESA agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.
2. The EFTA States and ESA agrees with the Commission that the notified transaction has an EU dimension pursuant to Article 1(3) of the Merger Regulation.

Market definition

3. The EFTA States and ESA agrees with the Commission's definitions of the relevant product markets in the draft Decision.

In particular, concerning the product market definition, the EFTA States and ESA agrees that the impact of the proposed transaction must be assessed on the following markets:

- (a) The market for 3,5" Mission Critical Enterprise HDDs;
 - (b) The market for 3,5" Business Critical Enterprise HDDs;
 - (c) The market for 3,5" Desktop HDDs;
 - (d) The market for 3,5" CE HDDs;
 - (e) The market for 2,5" Mobile HDDs;
 - (f) The market for 2,5" CE HDDs; and
 - (g) The XHDD market.
4. The EFTA States and ESA agrees with the geographic market definition for:
 - (a) HDDs; and
 - (b) XHDDs.

Counterfactual

5. The EFTA States and ESA agrees with the Commission that, for the purpose of the competitive assessment of the proposed transaction, the most appropriate approach is to adopt the priority rule ('first come, first served') based on the date of notification.
6. The EFTA States and ESA agrees with the Commission that the proposed transaction must be assessed in the light of the competitive situation that prevailed at the time of its notification, i.e. without taking into consideration the transaction in Case COMP/M.6203 Western Digital/Viviti Technologies (Hitachi Global Storage Technologies, recently renamed Viviti Technologies).

Competitive assessment

Non-coordinated effects

7. The EFTA States and ESA agrees with the Commission's view that non-coordinated effects must be assessed on the following markets:
 - (a) The worldwide market for 3,5" Desktop HDDs;
 - (b) The worldwide market for 2,5" Mobile HDDs;
 - (c) The worldwide market for 3,5" Business Critical Enterprise HDDs;

- (d) The worldwide market for 3,5" CE HDDs; and
 - (e) The EEA-wide XHDD market.
8. The EFTA States and ESA agrees with the Commission's assessment that post transaction customers will have the possibility to source from at least three strong HDD suppliers and that the proposed transaction will not impact the ability of customers to multi-source and switch suppliers in all of the relevant HDD markets.
9. The EFTA States and ESA agrees with the Commission's assessment that Seagate and Samsung HDD are not particularly close competitors in any of the relevant HDD markets.
10. The EFTA States and ESA agrees with the Commission's assessment that the proposed transaction will not eliminate an important competitive force due to Samsung's less competitive and innovative abilities.
11. As regards the EEA-wide XHDD market, The EFTA States and ESA agrees with the Commission's assessment that:
- (a) The acquisition of Samsung would not considerably increase Seagate's market position;
 - (b) Even considering the current market trend of HDD manufacturers gaining rapidly market shares to the detriment of the non-integrated XHDD suppliers, three credible alternative suppliers would remain present in the EEA-wide XHDD market after the transaction; and
 - (c) The merged entity will have neither the ability nor the incentive to foreclose a significant part of the market.
12. The EFTA States and ESA agrees with the Commission's conclusion that the proposed transaction is not likely to give rise to non-coordinated effects that would significantly impede effective competition on the worldwide HDD markets for 3,5" Desktop HDDs, 2,5" Mobile HDDs, 3,5" Business Critical HDDs, and 3,5" CE HDDs nor on the EEA-wide XHDD market.

Coordinated effects

13. The EFTA States and ESA agrees with the Commission's assessment that it is likely that the proposed transaction will not increase the ability of the remaining HDD suppliers to reach terms of coordination.
14. In particular, The EFTA States and ESA agrees with the Commission's view that:
- (a) The removal of Samsung HDD does not cause a material merger-specific effect in a number of relevant markets due to Samsung's lack of or insignificant presence on the markets for 3,5" Business Critical Enterprise HDDs and 3,5" CE HDDs;
 - (b) On the 3,5" Desktop HDD market, Samsung is not a particularly strong innovative force or a particularly strong competitor and therefore the effect of Samsung's removal is likely to be limited with regard to coordinated effects;
 - (c) On the 3,5" Desktop HDD market the level of post-merger asymmetry would remain high;
 - (d) It appears likely that HGST would have strong incentives not to participate in any coordination in the 3,5" Desktop HDD market.
15. The EFTA States and ESA agrees with the Commission's conclusion that the proposed transaction is not likely to give rise to a significant impediment to effective competition stemming from coordinated effects.

Vertical effects

16. Concerning vertical relationships between the downstream HDD markets and the upstream markets for head components, The EFTA States and ESA agrees with the Commission's conclusion that the proposed transaction is not likely to impede effective competition.
17. Concerning vertical relationships between the downstream HDD markets and the upstream markets for media components, The EFTA States and ESA agrees with the Commission's conclusion that the proposed transaction is not likely to impede effective competition.

Conclusion

18. The EFTA States and ESA agrees with the Commission's conclusion that the proposed transaction is not likely to significantly impede effective competition in the internal market or in a substantial part of it.
19. The EFTA States and ESA agrees with the Commission's conclusion that the notified concentration must be declared compatible with the internal market and the functioning of the EEA Agreement in accordance with Articles 2(2) and 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.

EFTA Surveillance Authority

Christian LUND

Tone H. AARTHUN

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.6614 — Samsung Electronics/Samsung Mobile Display)

Candidate case for simplified procedure

(Text with EEA relevance)

(2012/C 154/12)

1. On 21 May 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Samsung Electronics Co., Ltd ('SEC', South Korea) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking Samsung Mobile Display ('SMD', South Korea) by way of purchase of assets. SEC currently exercises joint control over SMD.

2. The business activities of the undertakings concerned are:

— for SEC: design, development, manufacture and sale of a wide range of products in the area of electronics and information technology. In particular, SEC produces mid-to-large thin film transistor liquid crystal displays ('TFT-LCD') for TVs and monitors, digital information applications and notebook PCs,

— for SMD: development, manufacture and sale of TFT-LCD and organic light emitting diodes ('OLED') panel displays that are used as information transmitting display systems for mobile equipment such as cellular phones, digital cameras and portable media players.

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.

⁽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').

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.6614 — Samsung Electronics/Samsung Mobile Display, to the following address:

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

Prior notification of a concentration
(Case COMP/M.6469 — Tognum/TMH/JV)
Candidate case for simplified procedure
(Text with EEA relevance)
(2012/C 154/13)

1. On 21 May 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾ by which JSC Transmashholding ('TMH', Russian Federation), ultimately controlled by Alstom Holdings ('Alstom', France) and Russian Railways ('RZD', Russia), and Tognum AG ('Tognum', Germany) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over a newly created full-function joint venture (the 'JV', Russian Federation) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for TMH: diesel engine manufacturing in Russia and designated export markets, inter alia,
- for Tognum: development, design, manufacture, supply and service of diesel engines and complete propulsion systems for various applications, among others,
- for the JV: will develop, manufacture and sell diesel engines in the Russian markets and the designated export markets.

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.6469 — Tognum/TMH/JV, 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.6515 — Arrow Electronics/Altimate Group)

(Text with EEA relevance)

(2012/C 154/14)

1. On 21 May 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Arrow Electronics Inc ('Arrow', USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking Altimate Group SA ('Altimate', France) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Arrow: global wholesale distribution of electronic components (including semiconductors and passive, electromechanical and interconnect products) and enterprise computing solutions (software and hardware, including servers and data storage products) and ancillary support services to industrial and commercial users,
- for Altimate: wholesale distribution of software (in particular data management, IT management, security and virtualization software) and hardware products (in particular servers and data storage products) and related services mainly in the EEA (in particular in France, Portugal, Spain, the Benelux region, and the United Kingdom).

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.6515 — Arrow Electronics/Altimate Group, 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').

Prior notification of a concentration
(Case COMP/M.6610 — CVC/AlixPartners)
Candidate case for simplified procedure
(Text with EEA relevance)
(2012/C 154/15)

1. On 24 May 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking CVC Capital Partners SICAV-FIS SA ('CVC'), Luxembourg, member of the CVC group, acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of AlixPartners LLP ('Alix'), USA, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - The CVC group consists of privately owned advisory entities whose activity is providing investment advice to and/or managing investments on behalf of CVC Funds. CVC Funds hold controlling interests in a number of companies in various industries including chemicals, utilities, manufacturing, retailing and distribution, primarily in Europe, the US and the Asia-Pacific region,
 - Alix is a global firm providing corporate consulting services to businesses.
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.6610 — CVC/AlixPartners, 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').

CORRIGENDA

Corrigendum to the list of appointments made by the Council — January, February, March and April 2012 (social field)

(This text annuls and replaces that published in Official Journal of the European Union C 135 of 9 May 2012, p. 6)

(2012/C 154/16)

**List of appointments made by the Council
January, February, March and April 2012 (social field)**

Committee	End of term of office	Publication in OJ	Person replaced	Resignation/ appointment	Member/ alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Carita RAMMUS	Resignation	Alternate	Government	Estonia	Ms Kristi SUUR	Permanent Representation of Estonia to EU	10.2.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Mr Gisbert BRINKMANN	Resignation	Member	Government	Germany	Ms Vera BADE	Bundesministerium für Arbeit und Soziales	14.2.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Liisa FOLKERSMA	Resignation	Alternate	Trade Union	Finland	Ms Jenni KARJALAINEN	AKAVA — Confederation of Unions for Professional and Managerial Staff	17.2.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Anna SANTESSON	Resignation	Member	Government	Sweden	Ms Jenny LINDBLAD	Arbetsmarknadsdepartementet	9.3.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Tiina OINONEN	Resignation	Member	Government	Finland	Mr Olli SORAINEN	Ministry of Employment and the Economy	19.3.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Elina IMMONEN	Resignation	Member	Government	Finland	Ms Katri AALTONEN	Ministry of the Interior	19.3.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Eleni KALAVA	Resignation	Alternate	Government	Cyprus	Ms Elena SIVITANIDOU	Ministry of Labour and Social Insurance	19.3.2012

Committee	End of term of office	Publication in OJ	Person replaced	Resignation/ appointment	Member/ alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Ingrid NOWOTNY	Resignation	Member	Government	Austria	Mr Heinz KUTROWATZ	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	26.3.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Martha ROJAS-PINEDA	Resignation	Member	Government	Austria	Mr Helmut GERL	Arbeitsmarktservice Österreich	26.3.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Mr Heinz KUTROWATZ	Resignation	Alternate	Government	Austria	Ms Barbara BOHACZEK	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	26.3.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Ms Georgia HEINE	Resignation	Alternate	Employers	Germany	Ms Anna ROBRA	BDA (Bundesvereinigung der Deutschen Arbeitgeberverbände)	24.4.2012
Advisory Committee on Freedom of Movement for Workers	24.9.2012	C 294, 29.10.2010	Mr Stefan STRÄSSER	Resignation	Member	Employers	Germany	Ms Carmen Eugenia BÄRSAN	BDA (Bundesvereinigung der Deutschen Arbeitgeberverbände)	24.4.2012
Advisory Committee on Safety and Health at Work	28.2.2013	L 45, 20.2.2010	Mr Willy IMBRECHTS	Resignation	Alternate	Government	Belgium	Mr Jan BATEN	SPF Emploi, travail et concertation sociale	17.2.2012
Advisory Committee on Safety and Health at Work	28.2.2013	L 45, 20.2.2010	Ms Elissavet GALANOPOULOU	Resignation	Member	Government	Greece	Mr Antonios CHRISTODOULOU	Ministry of Labour and Social Security	26.4.2012
Advisory Committee on Safety and Health at Work	28.2.2013	L 45, 20.2.2010	Mr Antonios CHRISTODOULOU	Resignation	Alternate	Government	Greece	Ms Stamatina PISSIMISSI	Ministry of Labour and Social Security	26.4.2012
Advisory Committee for the Coordination of Social Security Systems	19.10.2015	C 290, 27.10.2010	Ms Estelle CEULEMANS	Resignation	Alternate	Trade Union	Belgium	Ms Anne PANNEELS	FGTB	24.4.2012
Advisory Committee for the Coordination of Social Security Systems	19.10.2015	C 290, 27.10.2010	Mr Andreas KYRIAKIDES	Resignation	Alternate	Government	Cyprus	Mr Sotiris STRATIS	Ministry of Health	24.4.2012
Management Board of the European Institute for Gender Equality	31.5.2013	C 137, 27.5.2010	Ms Martina JANÍKOVÁ	Resignation	Member	Government	Slovakia	Ms Olga PIETRUCHOVÁ	Ministry of Labour, Social Affairs and Family of SR	14.2.2012

Committee	End of term of office	Publication in OJ	Person replaced	Resignation/ appointment	Member/ alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Management Board of the European Institute for Gender Equality	31.5.2013	C 137, 27.5.2010	Ms Andrea BARŠOVÁ	Resignation	Member	Government	Czech Republic	Mr Miroslav FUCHS	Ministry of Labour and Social Affairs	9.3.2012
Management Board of the European Institute for Gender Equality	31.5.2013	C 137, 27.5.2010	Mr Czeslaw WALEK	Resignation	Alternate	Government	Czech Republic	Ms Lucia ZACHARIÁŠOVÁ	Ministry of Labour and Social Affairs	9.3.2012
Management Board of the European Institute for Gender Equality	31.5.2013	C 137, 27.5.2010	Ms Teresa Margarida DO CARMO FRAGOSO	Resignation	Member	Government	Portugal	Ms Maria de Fátima ABRANTES DUARTE	Comissão para a Cidadania e a Igualdade de Género	9.3.2012
Management Board of the European Institute for Gender Equality	31.5.2013	C 137, 27.5.2010	Mr Pedro DELGADO ALVES	Resignation	Alternate	Government	Portugal	Mr Manuel Maria FEIO BARROSO	Comissão para a Cidadania e a Igualdade de Género	9.3.2012
Management Board of the European Institute for Gender Equality	31.5.2013	C 137, 27.5.2010	Ms Judit GAZSI	Resignation	Member	Government	Hungary	Ms Zsuzsanna DEBRECENI Dr. KORMOSNÉ	Ministry of State for Social, Family and Youth Affairs	26.4.2012
Management Board of the European Institute for Gender Equality	31.5.2013	C 137, 27.5.2010	Ms Anna OROSZ	Resignation	Alternate	Government	Hungary	Ms Judit HALASZ	Ministry of State for Social, Family and Youth Affairs	26.4.2012
Governing Board of the European Foundation for the Improvement of Living and Working Conditions	30.11.2013	C 322, 27.11.2010	Ms Viviane GOERGEN	Resignation	Member	Trade Union	Luxembourg	Mr Vincent JACQUET	LCGB	10.2.2012
Governing Board of the European Foundation for the Improvement of Living and Working Conditions	30.11.2013	C 322, 27.11.2010	Mr Tarmo KRIIS	Resignation	Alternate	Employers	Estonia	Ms Marika MERILAI	Estonian Traders Association	10.2.2012
Governing Board of the European Foundation for the Improvement of Living and Working Conditions	30.11.2013	C 322, 27.11.2010	Mr Jan BATEN	Resignation	Alternate	Government	Belgium	Mr Alain PIETTE	SPF Emploi, travail et concertation sociale	17.2.2012
Governing Board of the European Foundation for the Improvement of Living and Working Conditions	30.11.2013	C 322, 27.11.2010	Ms Ketii KOYNAKOVA	Resignation	Member	Trade Union	Bulgaria	Mr Ivan KOKALOV	CITUB	8.3.2012

Committee	End of term of office	Publication in OJ	Person replaced	Resignation/ appointment	Member/ alternate	Category	Country	Person appointed	Affiliation	Date of Council Decision
Governing Board of the European Foundation for the Improvement of Living and Working Conditions	30.11.2013	C 322, 27.11.2010	Mr Ivan KOKALOV	Resignation	Alternate	Trade Union	Bulgaria	Mr Oleg CHULEV	ISETUR-RODKREPA	8.3.2012
Governing Board of the European Foundation for the Improvement of Living and Working Conditions	30.11.2013	C 322, 27.11.2010	Mr Ole PRASZ	Resignation	Member	Trade Union	Denmark	Mr Jan KAHR FREDERIKSEN	FTF	9.3.2012
Governing Board of the European Agency for Safety and Health at Work	7.11.2013	C 322, 27.11.2010	Mr Willy IMBRECHTS	Resignation	Member	Government	Belgium	Mr Jan BATEN	SPF Emploi, travail et concertation sociale	17.2.2012
Governing Board of the European Agency for Safety and Health at Work	7.11.2013	C 322, 27.11.2010	Mr Christian DENEVE	Resignation	Alternate	Government	Belgium	Ms Véronique CRUTZEN	SPF Emploi, travail et concertation sociale	17.2.2012
Governing Board of the European Agency for Safety and Health at Work	7.11.2013	C 322, 27.11.2010	Ms Elissavet GALANOPOULOU	Resignation	Member	Government	Greece	Mr Antonios CHRISTODOULOU	Ministry of Labour and Social Security	26.4.2012

Corrigendum to the 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 147 of 25 May 2012)

(2012/C 154/17)

On page 15, State aid N 598/09:

for: 'Date of adoption of the decision 27.1.2012';

read: 'Date of adoption of the decision 27.1.2010'.

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