

Official Journal

of the European Union

C 120



English edition

Information and Notices

Volume 56

26 April 2013

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Price:
EUR 3

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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

COUNCIL

COUNCIL RECOMMENDATION

of 22 April 2013

on establishing a Youth Guarantee

(2013/C 120/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Investing now in the human capital of young Europeans will deliver long-term benefits and contribute to sustainable and inclusive economic growth. The Union will be able to reap the full benefits of an active, innovative and skilled workforce while avoiding the very high costs of having young people neither in employment, education or training ('NEETs'), currently put at 1,2 % of GDP.
- (2) Young people have been hit particularly hard during the crisis. They are vulnerable because of the transitional life periods they are going through, their lack of professional experience, their sometimes inadequate education or training, their often limited social protection coverage, restricted access to financial resources, and precarious work conditions. Young women are more likely to be affected by low pay and precarious employment, while young parents, primarily young mothers, lack adequate work-life balance measures. Furthermore, some young people are at a particular disadvantage or at risk of discrimination. Appropriate supportive measures are therefore required, whilst recognising young people's individual responsibility in finding a route into economic activity.
- (3) There are 7,5 million NEETs across the Union, representing 12,9 % of young Europeans (aged between 15-24). Many have no more than a lower secondary education and are early leavers from education and training. Furthermore, many are migrants or come

from a disadvantaged background. The term 'NEETs' covers various subgroups of young people with diverse needs.

- (4) 30,1 % of unemployed people under the age of 25 years in the Union have been unemployed for more than 12 months. Furthermore, an increasing number of young people do not actively seek employment, which may leave them without structural support in terms of getting back into the labour market. Research shows that youth unemployment can result in permanent scars, such as an increased risk of future unemployment, reduced levels of future earnings, loss of human capital, intergenerational transmission of poverty or less motivation to found a family, contributing to negative demographic trends.
- (5) The term 'Youth Guarantee' refers to a situation in which young people receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education. An offer of continued education could also encompass quality training programmes leading to a recognised vocational qualification.
- (6) A Youth Guarantee would contribute to three of the 'Europe 2020' strategy targets, namely that 75 % of the age range 20-64 should be employed, that early school-leaving rates should be below 10 %, and that at least 20 million people should be lifted out of poverty and social exclusion.
- (7) The guidelines for the employment policies of the Member States, adopted by the Council in its Decision 2010/707/EU ⁽¹⁾ of 21 October 2010, in particular

⁽¹⁾ OJ L 308, 24.11.2010, p. 46.

guidelines 7 and 8, call on Member States to promote the integration of young people in the labour market and to help them, and in particular NEETs, in cooperation with the social partners, to find initial employment, work experience, or further education and training opportunities, including apprenticeships, and to intervene rapidly when young people become unemployed.

- (8) As early as 2005, when it adopted guidelines for the employment policies of the Member States by Decision 2005/600/EC⁽¹⁾ of 12 July 2005, the Council agreed that 'every unemployed person (be) offered a new start before reaching six months of unemployment in the case of young people'. By Decision 2008/618/EC of 15 July 2008 on guidelines for the employment policies of the Member States⁽²⁾, the Council reduced the time period to 'no more than four months' for young school-leavers.
- (9) In its resolution of 6 July 2010 on promoting youth access to the labour market, strengthening trainee, internship and apprenticeship status⁽³⁾, the European Parliament called on the Commission and the Council to come forward with a European Youth Guarantee securing the right of every young person in the Union to be offered a job, an apprenticeship, additional training or combined work and training after a maximum of four months' unemployment.
- (10) In its Communication 'Youth on the Move' of 15 September 2010, the Commission encouraged Member States to introduce Youth Guarantees, implementation of which has so far been very limited. This Recommendation should reinforce and reiterate the need for Member States to pursue that goal, whilst also helping with the design, implementation and assessment of such Youth Guarantee schemes.
- (11) In its conclusions of 17 June 2011 on promoting youth employment to achieve the 'Europe 2020' objectives, the Council invited Member States to intervene rapidly by offering further education, (re)training or activation measures for NEETs, including early school-leavers. This would serve the aim of getting those people back into education, training or the labour market within the shortest time possible and reducing the risk of poverty and social exclusion. The Council recognised that labour market segmentation may have unfavourable effects on young people, and invited Member States to tackle such segmentation.
- (12) Council Recommendation of 28 June 2011 on policies to reduce early school leaving⁽⁴⁾ focused on the development of evidence-based, comprehensive and cross-

sectoral policies that include measures to re-engage people who have dropped out of education and to strengthen the link between education and training systems and the employment sector. In preparing the 2012 budget, the European Parliament backed that approach and asked the Commission to implement a preparatory action to support the setting-up of Youth Guarantees in Member States.

- (13) In the Employment Package, proposed in its 18 April 2012 Communication 'Towards a job-rich recovery', the Commission called for the active mobilisation of Member States, social partners and other stakeholders to respond to the current employment challenges in the Union, and in particular to youth unemployment. The Commission emphasised the major job-creation potential of the green economy, health and social care, and information and communication technology (ICT) sectors, and to that end issued three accompanying action plans for follow-up. Subsequently, in its Communication of 10 October 2012 on 'A Stronger European Industry for Growth and Economic Recovery', the Commission also highlighted six promising priority areas for industrial innovation that contribute to the transition to a low-carbon and resource-efficient economy. In the Employment Package the Commission also underlined that fostering entrepreneurial mind-sets, making start-up support services and microfinance more available, and establishing schemes for converting unemployment benefits into start-up grants would play an important role, also for young people. Furthermore, the Employment Package proposed the use of wage subsidies to boost net new hiring and the targeted reduction of the tax wedge (mainly employers' social security contribution) to help boost employment as well as balanced reforms in employment protection legislation that could enable young people to have access to quality employment.
- (14) In its resolution of 24 May 2012 on the Youth Opportunities Initiative, the European Parliament urged Member States to take swift and concrete measures at national level to ensure that young people are in either a decent job, education or (re)training within four months of leaving school. The European Parliament stressed that the Youth Guarantee scheme needs to effectively improve the situation of NEETs and to gradually overcome the problem of youth unemployment in the Union.
- (15) In its conclusions of 29 June 2012, the European Council urged Member States to step up efforts to increase youth employment, with 'the objective that within a few months of leaving school, young people receive a good quality offer of employment, continued education, apprenticeship or a traineeship'. It further concluded that those measures can be supported by the European Social Fund and that Member States should use the possibilities of financing temporary recruitment subsidies from the that Fund.

⁽¹⁾ OJ L 205, 6.8.2005, p. 21.

⁽²⁾ OJ L 198, 26.7.2008, p. 47.

⁽³⁾ OJ C 351 E, 2.12.2011, p. 29.

⁽⁴⁾ OJ C 191, 1.7.2011, p. 1.

- (16) The Commission Communication of 20 November 2012 on 'Rethinking Education: Investing in skills for better socio-economic outcomes' provides the Union contribution to that work from the educational perspective. It elaborates on the key issues for reform and efficiency of education and training systems; to align delivered skills to the current and future needs of the labour market, to stimulate open and flexible ways of learning and to promote a collaborative effort amongst all stakeholders, including funding.
- (17) In its Recommendation of 20 December 2012 on the validation of non-formal and informal learning⁽¹⁾, the Council recommended that Member States should have in place, no later than 2018, in accordance with national circumstances and specificities, and as they deem appropriate, arrangements for the validation of non-formal and informal learning.
- (18) In its Communication of 28 November 2012 on the 'Annual Growth Survey 2013', the Commission stressed that Member States should secure school-to-work transitions for young people and develop and implement Youth Guarantee schemes whereby every young person under the age of 25 years receives an offer of employment, continued education, an apprenticeship or a traineeship within four months of leaving formal education or becoming unemployed.
- (19) In its conclusions on the multiannual financial framework of 8 February 2013, the European Council decided to create a Youth Employment Initiative amounting to EUR 6 billion for the period 2014-20 to support the measures set out in the Youth Employment Package proposed by the Commission on 5 December 2012 and, in particular, to support the Youth Guarantee.
- (20) The Youth Guarantee should be implemented by a scheme consisting of supportive measures, and should be geared to national, regional and local circumstances. Those measures should be based on six axes: building up partnership-based approaches, early intervention and activation, supportive measures enabling labour market integration, use of Union funds, assessment and continuous improvement of the scheme, and its swift implementation. As such, they aim to prevent early school leaving, fostering employability and removing practical barriers to employment. They can be supported by the Union funds and should be continuously monitored and improved.
- (21) Effective coordination and partnerships across policy fields (employment, education, youth, social affairs, etc.) are crucial in terms of boosting quality employment opportunities, apprenticeships and traineeships.
- (22) Youth Guarantee schemes should take into account the diversity of the Member States and their different starting

points, as regards the levels of youth unemployment, institutional set-up, and capacity of the various labour market players. They should also take into account different situations as regards public budgets and financial constraints in terms of allocation of resources. In the Annual Growth Survey 2013, the Commission considers that investments in education should be prioritised and strengthened where possible, while ensuring the efficiency of such expenditure. Particular attention should also be paid to maintaining or reinforcing the coverage and effectiveness of employment services and active labour market policies, such as training for the unemployed and Youth Guarantee schemes. The establishment of such schemes is of long-term significance, but there is also a need for a short-term response to counter the dramatic effects of the economic crisis on the labour market,

HEREBY RECOMMENDS THAT MEMBER STATES:

1. ensure that all young people under the age of 25 years receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education.

When designing such a Youth Guarantee scheme, Member States should consider overarching issues such as the fact that young people are not a homogeneous group facing similar social environments, as well as principles of mutual obligation and the need to address the risk of cycles of inactivity.

The starting point for delivering the Youth Guarantee to a young person should be the registration with an employment service, and for those NEETs who are not registered with an employment service, Member States should define a corresponding starting point to deliver the Youth Guarantee within the same four-month timeframe.

Youth Guarantee schemes should be based on the following guidelines, in accordance with national, regional and local circumstances and paying attention to the gender and diversity of the young people who are being targeted:

Building up partnership-based approaches

2. identify the relevant public authority in charge of establishing and managing the Youth Guarantee scheme and of coordinating partnerships across all levels and sectors. Where it is not possible, for constitutional reasons, for a Member State to identify only one public authority, the relevant public authorities shall be identified, keeping their number to a minimum and identifying a single point of contact to communicate with the Commission on the implementation of the Youth Guarantee;

⁽¹⁾ OJ C 398, 22.12.2012, p. 1.

3. ensure that young people have full access to information about the services and support available by strengthening cooperation between employment services, career guidance providers, education and training institutions and youth support services, and by making full use of all relevant information channels;
4. strengthen partnerships between employers and relevant labour market players (employment services, various levels of government, trade unions and youth services) in order to boost employment, apprenticeship and traineeship opportunities for young people;
5. develop partnerships between public and private employment services, education and training institutions, career guidance services and with other specialised youth services (non-governmental organisations, youth centres and associations) that help smooth the transition from unemployment, inactivity or education into work;
6. ensure the active involvement of social partners at all levels in designing and implementing policies targeted at young people and promote synergies amongst their initiatives to develop apprenticeship and traineeship schemes;
7. ensure the consultation or involvement of young people and/or youth organisations in designing and further developing the Youth Guarantee scheme to tailor services to the needs of beneficiaries and to have them act as multipliers in awareness-raising activities;

Early intervention and activation

8. develop effective outreach strategies towards young people, including information and awareness campaigns, with a view to catchment and registration with employment services, focusing on young vulnerable people facing multiple barriers (such as social exclusion, poverty or discrimination) and NEETs, and taking into consideration their diverse backgrounds (due in particular to poverty, disability, low educational attainment or ethnic minority/migrant background);
9. in order to support young people better and to address the potential lack of awareness of existing offers, consider establishing common 'focal points', i.e. an organisation that would ensure coordination between all institutions and organisations concerned, in particular with the public authority responsible for managing the Youth Guarantee scheme, so that information could be shared about young people leaving school, in particular about those at risk of not securing a job, or of not entering into continued education or training;
10. enable employment services, together with other partners supporting young people, to provide personalised guidance and individual action planning, including tailor-made individual support schemes, based on the principle of mutual

obligation at an early stage and continued follow-up with a view to preventing drop-out and ensure progression towards education and training or employment;

Supportive measures for labour market integration

Enhancing skills

11. offer early school-leavers and low-skilled young people pathways to re-enter education and training or of second-chance education programmes which provide learning environments responding to their specific needs and enabling them to obtain the qualification they missed;
12. ensure that measures undertaken in the context of a Youth Guarantee scheme aimed at boosting skills and competences help to address existing mismatches and service labour-demand needs;
13. ensure that efforts to boost skills and competences include ICT/digital skills. Promote the status of professional knowledge and competences by ensuring that ICT curricula and certifications conform to standards and are internationally comparable;
14. encourage schools, including vocational training centres, and employment services to promote and provide continued guidance on entrepreneurship and self-employment for young people, including through entrepreneurship courses;
15. implement the Recommendation of 20 December 2012 on the validation of non-formal and informal learning;

Labour market-related measures

16. where relevant, reduce non-wage labour costs in order to boost recruitment prospects amongst young people;
17. use targeted and well-designed wage and recruitment subsidies to encourage employers to create new opportunities for young people, such as an apprenticeship, traineeship or job placement, particularly for those furthest from the labour market, in line with the applicable State aid rules;
18. promote labour mobility by making young people aware of job offers, traineeships and apprenticeships and available support in different areas, regions and countries, for example through services and schemes which encourage people to move and work within the Union. Ensure that adequate support is available to help young people who find work in another area or Member State adapt to their new environment;
19. make available more start-up support services, and increase awareness of the possible chances and perspectives connected with self-employment, including through closer cooperation between employment services, business support and (micro)finance providers;

20. enhance mechanisms for reactivating young people who drop out from activation schemes and no longer access benefits;

Use of Union funds

21. make full and optimal use of the Cohesion Policy funding instruments, in the next period 2014-20 for supporting the establishment of Youth Guarantee schemes, where appropriate to national circumstances. To that end, ensure that the necessary priority is given and corresponding resources are allocated for supporting the conception and the implementation of the measures related to the establishment of Youth Guarantee schemes, including the possibilities for financing targeted recruitment subsidies from the European Social Fund. Furthermore, make maximum use of funding still available from the 2007-13 programming period;
22. in the context of the preparation for the period 2014-20, pay the necessary attention in the Partnership Contract to the specific objectives related to the implementation of Youth Guarantee schemes where appropriate to national circumstances and describe in the operational programmes the actions to be supported under the relevant investment priorities of the European Social Fund, in particular those concerning the sustainable integration of NEETs into the labour market and support for young entrepreneurs and social enterprises and their respective contribution to the specific objectives;
23. where eligible, make full and optimal use of the Youth Employment Initiative in order to implement the Youth Guarantee;

Assessment and continuous improvement of schemes

24. monitor and evaluate all measures under Youth Guarantee schemes, so that more evidence-based policies and interventions can be developed on the basis of what works, where and why, thus ensuring efficient use of resources and positive returns on investment. Maintain an up-to-date overview of how much funding has been allocated for the set-up and implementation of the Youth Guarantee, in particular under Cohesion Policy operational programmes;
25. promote mutual learning activities at national, regional and local level between all parties involved in combating youth unemployment, in order to improve the design and delivery of future Youth Guarantee schemes. Make, where relevant, full use of the results of projects supported in the course of the preparatory action on Youth Guarantee schemes;
26. strengthen the capacities of all stakeholders, including the relevant employment services, involved in designing, implementing and evaluating Youth Guarantee schemes, in order to eliminate any internal and external obstacles related to policy and to the way those schemes are developed;

Implementation of Youth Guarantee schemes

27. implement Youth Guarantee schemes as soon as possible. With regard to the Member States experiencing the most severe budgetary difficulties and higher rates of NEETs or of youth unemployment, gradual implementation could also be considered;
28. ensure that Youth Guarantee schemes are properly integrated into the future co-financed programmes of the Union, preferably as from the start of the 2014-20 multi-annual financial framework. When implementing Youth Guarantee schemes, Member States may benefit from the Youth Employment Initiative,

HEREBY RECOMMENDS THAT THE COMMISSION:

Funding

1. encourage Member States to make best use of the European Social Fund, in accordance with the relevant investment priorities of the European Social Fund for the 2014-20 programming period, and the Youth Employment Initiative, where applicable, to support the set-up and implementation of Youth Guarantee schemes as a policy instrument for combating and preventing youth unemployment and social exclusion;
2. support programming work under the Union's Common Strategic Framework Funds (European Social Fund, European Regional Development Fund, Cohesion Fund, European Agricultural Fund for Rural Development, European Maritime and Fisheries Fund), including through peer learning, networking activities and technical assistance;

Good practices

3. make full use of the possibilities of the new programme on social change and innovation to gather examples of good practice on Youth Guarantee schemes at national, regional and local level;
4. use the European Employment Strategy mutual learning programme to encourage Member States to share their experiences and exchange good practices;

Monitoring

5. continue to monitor and report regularly on developments concerning the design, implementation and results of Youth Guarantee schemes as part of the annual programme of work of the European Network of Public Employment Services. Ensure that the Employment Committee is informed in that regard;
6. monitor the implementation of Youth Guarantee schemes pursuant to this Recommendation through the multi-lateral surveillance of the Employment Committee within the framework of the European Semester, and analyse the impact of the policies in place, and address, where appropriate, country-specific recommendations to Member States, on the basis of the guidelines for the employment policies of the Member States;

Awareness-raising

7. support awareness-raising activities on the setting-up of the Youth Guarantee across the Member States, using the European Youth Portal and liaising in particular with its information campaigns.

Done at Luxembourg, 22 April 2013.

For the Council
The President
S. COVENEY

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

COUNCIL DECISION

of 22 April 2013

appointing the members and alternate members of the Advisory Committee on Safety and Health at Work

(2013/C 120/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2003/C 218/01 of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the list of candidates submitted to the Council by the Governments of the Member States,

Whereas:

(1) By its Decision of 16 February 2010 ⁽²⁾, the Council appointed the members and alternate members of the

Advisory Committee on Safety and Health at Work for the period from 1 March 2010 until 28 February 2013.

- (2) Therefore, new members and alternate members should be appointed for a period of three years.
- (3) The members and alternate members remain in office until they are replaced or reappointed,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed members and alternate members of the Advisory Committee on Safety and Health at Work for the period from 22 April 2013 to 28 February 2016:

I. GOVERNMENT REPRESENTATIVES

Member State	Members	Alternates
Belgium	Mr Christian DENEVE	Mr Jan BATEN Mr Xavier LEBICHOT
Bulgaria	Ms Vaska SEMERDZHIEVA	Mr Atanas KOLCHAKOV Ms Darina KONOVA
Czech Republic	Mr Jaroslav HLAVÍN	Ms Anna SAMKOVÁ Ms Anežka SIXTOVÁ
Denmark	Ms Charlotte SKJOLDAGER	Ms Annemarie KNUDSEN Ms Christine HOLM DONATZKY
Germany	Mr Michael KOLL	Ms Ellen ZWINK Mr Kai SCHÄFER

⁽¹⁾ OJ C 218, 13.9.2003, p. 1.

⁽²⁾ OJ L 45, 20.2.2010, p. 5.

Member State	Members	Alternates
Estonia	Ms Veronika KAIDIS	Ms Kristel PLANGI Mr Rein REISBERG
Ireland	Ms Paula GOUGH	Mr Michael WALSH Mr John NEWHAM
Greece	Mr Antonios CHRISTODOULOU	Ms Stamatina PISSIMISSI Ms Aggeliki MOIROU
Spain	Ms Dolores LIMÓN TAMÉS	Mr Mario GRAU RÍOS Ms Mercedes TEJEDOR AIBAR
France	Ms Bénédicte LEGRAND-JUNG	Ms Sophie BARON Mr Olivier MEUNIER
Italy	Mr Paolo PENNESI	Mr Lorenzo FANTINI Ms Paola CASTELLANO
Cyprus	Mr Leandros NICOLAIDES	Mr Marios KOURTELLIS Mr Anastasios YIANNAKI
Latvia	Ms Māra VĪKSNE	Ms Jolanta GEDUŠA Mr Renārs LŪSIS
Lithuania	Ms Aldona SABAITIENĖ	Ms Vilija KONDROTIENĖ Ms Nerita ŠOT
Luxembourg	Mr Paul WEBER	Mr Robert HUBERTY Mr Carlo STEFFES
Hungary	Mr József BAKOS	Ms Katalin BALOGH Ms Éva GRONAI
Malta	Mr Mark GAUCI	Mr Vincent ATTARD Mr David SALIBA
Netherlands	Ms Esther de KLEUVER	Mr Martin G. DEN HELD Mr Andre MARCET
Austria	Ms Anna RITZBERGER-MOSER	Ms Gertrud BREINDL Ms Gerlinde ZINIEL
Poland	Ms Danuta KORADECKA	Mr Daniel Andrzej PODGÓRSKI Mr Roman SAŚIADEK
Portugal	Mr Pedro Nuno PIMENTA BRAZ	Mr Carlos PEREIRA
Romania	Ms Livia COJOCARU	Ms Anca PRICOP Mr Marian TĂNASE
Slovenia	Ms Tatjana PETRIČEK	Mr Jože HAUKO Mr Etbin TRATNIK
Slovakia	Ms Romana ČERVIENKOVÁ	Ms Eleonóra FABIÁNOVÁ Mr Erich VASELÉNYI
Finland	Mr Leo SUOMAA	Ms Kristiina MUKALA Mr Wiking HUSBERG
Sweden	Mr Mikael SJÖBERG	Mr Per EWALDSSON Ms Boel CALLERMO
United Kingdom	Mr Stuart BRISTOW	Mr Clive FLEMING Mr Stephen TAYLOR

II. TRADE UNION REPRESENTATIVES

Member State	Members	Alternates
Belgium	Mr François PHILIPS	Mr Herman FONCK Mr Stéphane LEPOUTRE

Member State	Members	Alternates
Bulgaria	Mr Ivan KOKALOV	Mr Aleksander ZAGOROV Ms Reneta VASILEVA
Czech Republic	Mr Jaroslav ZAVADIL	Mr Miroslav KOSINA Mr Jindřich POLÍVKA
Denmark	Ms Heidi RØNNE MØLLER	Mr Jan KAHR FREDERIKSEN
Germany	Ms Marina SCHRÖDER	Mr Horst RIESENBERG-MORDEJA Ms Susanne JASPER
Estonia	Ms Aija MAASIKAS	Mr Peeter ROSS Mr Ülo KRISTJUHAN
Ireland	Mr Sylvester CRONIN	Ms Esther LYNCH Mr Dessie ROBINSON
Greece	Mr Ioannis ADAMAKIS	Mr Andreas STOIMENIDIS Mr Efthimios THEOHARIS
Spain	Ms Marisa RUFINO	Mr Pedro J. LINARES Mr Emilio GONZALEZ
France	Mr Gilles SEITZ	Mr Henri FOREST
Italy	Ms Cinzia FRASCHERI	Mr Marco LUPI Mr Sebastiano CALLERI
Cyprus	Mr Nikos SATSIAS	Mr Nikos ANDREOU Mr Stelios CHRISTODOULOU
Latvia	Mr Ziedonis ANTAPSONS	Mr Mārtiņš PUŽULS Mr Vladimirs NOVIKOVŠ
Lithuania	Ms Inga RUGINIENĖ	Mr Petras GRĖBLIAUSKAS Mr Gediminas MOZŪRA
Luxembourg	Mr Serge SCHIMOFF	Mr Marcel GOEREND Mr Robert FORNIERI
Hungary		
Malta	Mr Joseph CARABOTT	Mr Edwin BALZAN Mr Chris ATTARD
Netherlands	Mr W. VAN VEELLEN	Mr H. VAN STEENBERGEN Ms S. BALJEU
Austria	Ms Ingrid REIFINGER	Ms Julia NEDJELIK-LISCHKA Mr Alexander HEIDER
Poland	Ms Iwona PAWLACZYK	Mr Dariusz GOC Mr Stanisław STOLARZ
Portugal	Mr Fernando José MACHADO GOMES	Mr Georges CASULA Ms Catarina FERREIRA TAVARES
Romania		
Slovenia	Mr Lučka BÖHM	Mr Aljoša ČEČ Mr Bojan GOLJEVŠČEK
Slovakia	Mr Peter RAMPÁŠEK	Mr Alexander TAŽÍK Mr Bohuslav BENDÍK
Finland	Ms Raili PERIMÄKI	Ms Paula ILVESKIVI Mr Erkki AUVINEN

Member State	Members	Alternates
Sweden	Ms Christina JÄRNSTEDT	Ms Jana FROMM Ms Karin FRISTEDT
United Kingdom	Mr Hugh ROBERTSON	

III. EMPLOYERS' REPRESENTATIVES

Member State	Members	Alternates
Belgium	Mr Kris DE MEESTER	Mr Thierry VANMOL Mr Marc JUNIUS
Bulgaria	Mr Georgi STOEV	Ms Daniela SIMIDCHIEVA Ms Petya GEOREVA
Czech Republic	Mr Karel PETRŽELKA	Mr František HROBSKÝ Mr Martin RÖHRICH
Denmark	Ms Christina SODE HASLUND	Ms Karoline KLAKSIVIG Mr Sven-Peter NYGAARD
Germany	Mr Eckhard METZE	Mr Rüdiger TRIEBEL Mr Stefan ENGEL
Estonia	Mr Marek SEPP	Ms Marju PEÄRNBERG Ms Ülle MATT
Ireland	Mr Carl ANDERS	Ms Theresa DOYLE Mr Kevin ENRIGHT
Greece		
Spain	Ms Isabel MAYA RUBIO	Ms Laura CASTRILLO NUÑEZ Mr José de la CAVADA HOYO
France	Ms Nathalie BUET	Mr Franck GAMBELLI Mr Patrick LÉVY
Italy	Ms Fabiola LEUZZI	Mr Giorgio RUSSOMANNO Mr Pietro MASCIOCCHI
Cyprus	Mr Emiliós MICHAEL	Mr Polyvios POLYVIU Ms Lena PANAGIOTOU
Latvia	Mr Aleksandrs GRIGORJEVS	Ms Irēna UPZARE Mr Andris POMMERS
Lithuania	Mr Vaidotas LEVICKIS	Mr Jonas GUZAVIČIUS
Luxembourg	Mr Pierre BLAISE	Mr François ENGELS Mr Marc KIEFFER
Hungary		
Malta	Mr John SCICLUNA	Mr Andrew Agius MUSCAT Ms Carmen BORG
Netherlands	Mr W.M.J.M. VAN MIERLO	Mr R. VAN BEEK Mr J.J.H. KONING
Austria	Ms Christa SCHWENG	Mr Alexander BURZ Ms Pia-Maria ROSNER-SCHEIBENGRAF
Poland	Mr Grzegorz JUSZCZYK	Ms Grażyna SPYTEK-BANDURSKA
Portugal	Mr Luís HENRIQUE	Mr Manuel Marcelino PENA COSTA Mr Luís Miguel CORREIA MIRA

Member State	Members	Alternates
Romania	Mr Ovidiu NICOLESCU	Mr Cristian HOTOBOC Ms Irina Mirela MANOLE
Slovenia	Mr Igor ANTAUER	Ms Tatjana ČERIN Mr Anže HIRŠL
Slovakia	Mr Róbert MEITNER	
Finland	Ms Katja LEPPÄNEN	Mr Jan SCHUGK Mr Rauno TOIVONEN
Sweden	Ms Bodil MELLBLOM	Mr Ned CARTER Ms Cecilia ANDERSSON
United Kingdom	Mr Guy BAILEY	

Article 2

The Council shall appoint the members and alternate members not yet nominated at a later date.

Article 3

This Decision shall enter into force on the date of its adoption.

Article 4

This Decision shall be published for information in the *Official Journal of the European Union*.

Done at Luxembourg, 22 April 2013.

For the Council
The President
S. COVENY

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

25 April 2013

(2013/C 120/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3080	AUD	Australian dollar	1,2669
JPY	Japanese yen	129,67	CAD	Canadian dollar	1,3374
DKK	Danish krone	7,4559	HKD	Hong Kong dollar	10,1549
GBP	Pound sterling	0,84580	NZD	New Zealand dollar	1,5299
SEK	Swedish krona	8,5961	SGD	Singapore dollar	1,6188
CHF	Swiss franc	1,2334	KRW	South Korean won	1 452,92
ISK	Iceland króna		ZAR	South African rand	11,8804
NOK	Norwegian krone	7,6535	CNY	Chinese yuan renminbi	8,0650
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,6070
CZK	Czech koruna	25,899	IDR	Indonesian rupiah	12 709,69
HUF	Hungarian forint	301,24	MYR	Malaysian ringgit	3,9728
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	53,916
LVL	Latvian lats	0,7000	RUB	Russian rouble	40,7829
PLN	Polish zloty	4,1467	THB	Thai baht	38,076
RON	Romanian leu	4,3493	BRL	Brazilian real	2,6266
TRY	Turkish lira	2,3540	MXN	Mexican peso	15,8922
			INR	Indian rupee	70,7960

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

Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 4 March 2013 regarding a draft decision relating to Case COMP/39.530 — Microsoft (Tying)

Rapporteur: Bulgaria

(2013/C 120/04)

1. The Advisory Committee agrees with Commission's assessment in the draft decision that Microsoft Corporation ('Microsoft') has failed to comply with Commission Decision of 16 December 2009 relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement (Case COMP/39.530 — Microsoft (Tying), notified under document C(2009) 10033).
 2. The Advisory Committee agrees with the fine the Commission intends to impose on Microsoft.
 3. The Advisory Committee asks the Commission to take into account any other points raised during the discussion.
 4. 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/39.530 — Microsoft (Tying)**

(2013/C 120/05)

- (1) This proceeding concerns the imposition of a fine pursuant to Article 23(2)(c) of Regulation (EC) No 1/2003 ⁽²⁾ on Microsoft Corporation ('Microsoft') for failure to comply with a commitment decision.
- (2) On 16 December 2009, the Commission adopted a commitment decision pursuant to Article 9(1) of Regulation (EC) No 1/2003, making binding commitments offered by Microsoft in order to meet the Commission's concerns relating to the tying of Microsoft's web browser (Internet Explorer) to its dominant client PC operating system (Windows) ⁽³⁾. The commitments included in particular the making available of a 'choice screen' enabling users of Windows in the EEA to easily choose their preferred web browser.
- (3) In July 2012, after having been informed by the Commission of information received from a developer of web browsers, Microsoft acknowledged a failure to roll out the choice screen with all copies of Windows 7 Service Pack 1 ('Windows 7 SP 1'), corresponding to around 15,3 million PCs.
- (4) On 24 October 2012, the Commission adopted a statement of objections. Microsoft received access to the file on 6 November 2012 and replied to the statement of objections on 2 December 2012. Microsoft did not request an oral hearing.
- (5) The draft decision concludes that Microsoft acted negligently and that the failure to comply lasted 14 months. The draft decision also concludes that the fact that Microsoft helped the Commission to quickly investigate the case by providing evidence of the failure to comply is a mitigating factor.
- (6) I did not receive any request or complaint from any party to the proceedings in the present case. The draft decision relates only to objections in respect of which the parties have been afforded the opportunity to make known their views. In view thereof, I consider that the effective exercise of the procedural rights of all parties in this case has been respected.

Brussels, 5 March 2013.

Wouter WILS

⁽¹⁾ Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29).

⁽²⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

⁽³⁾ Summary in OJ C 36, 13.2.2010, p. 7.

Summary of Commission Decision

of 6 March 2013

relating to a proceeding on the imposition of a fine pursuant to Article 23(2)(c) of Council Regulation (EC) No 1/2003 for failure to comply with a commitment made binding by a Commission decision pursuant to Article 9 of Council Regulation (EC) No 1/2003

(Case COMP/39.530 — Microsoft (Tying))

(notified under document C(2013) 1210 final)

(Only English text is authentic)

(2013/C 120/06)

On 6 March 2013, the Commission adopted a decision relating to a proceeding on the imposition of a fine pursuant to Article 23(2)(c) of Council Regulation (EC) No 1/2003 ⁽¹⁾ for failure to comply with a commitment made binding by a Commission decision pursuant to Article 9 of Council Regulation (EC) No 1/2003. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003, the Commission herewith publishes the name of the party and the main content of the decision, including the penalties imposed, having regard to the legitimate interest of undertaking in the protection of its business secrets.

Background of the case

- (1) On 16 December 2009, the Commission adopted a decision relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement pursuant to Article 9(1) of Regulation (EC) No 1/2003, which made binding the commitments offered by Microsoft Corporation ('Microsoft') to meet the Commission's concerns, as set out in a statement of objections of 14 January 2009 ('the commitments') ⁽²⁾.
- (2) The Commission's preliminary concerns related to the tying of Microsoft's web browser, Internet Explorer ('IE'), to its dominant client PC operating system, Windows.
- (3) In order to address the Commission's preliminary concerns, Microsoft committed in particular to offer Windows users an unbiased choice among different web browsers by means of a choice screen in Windows XP, Windows Vista, Windows 7 and in Windows client PC operating systems sold after Windows 7. Microsoft committed to display the choice screen to Windows users within the European Economic Area ('EEA') that have IE set as the default web browser.
- (4) On 16 July 2012, the Commission decided to reopen and initiate proceedings. On 24 October 2012, the Commission adopted a statement of objections. On 6 November 2012, Microsoft was granted access to the Commission's file. On 2 December 2012, Microsoft replied to the statement of objections.
- (5) On 4 March 2013, the Advisory Committee on restrictive practices and dominant positions issued a favourable opinion. On 5 March 2013, the Hearing Officer issued a final report.

Legal assessment and fines

- (7) The infringement consists of Microsoft's failure to comply with Section 2 of the commitments by not displaying the choice screen to users within the EEA that have IE set as the default web browser.
- (8) In light of Microsoft's arguments, the Commission concluded that Microsoft's failure to comply lasted for 14 months from 17 May 2011 until 16 July 2012. The Commission also considered that the number of users affected by Microsoft's failure to comply with Section 2 of the commitments is approximately 15,3 million.

Procedure

- (4) On 17 June 2012, the Commission was informed of a possible failure to comply with the commitments by Microsoft. On 4 July 2012, Microsoft acknowledged a failure to display the choice screen to users of Windows 7 Service Pack 1 ('Windows 7 SP 1').

Negligence

- (9) A series of technical errors and omissions led to Microsoft's failure to provide the choice screen to the affected users. Given its resources and know-how, however, Microsoft should have been able to avoid such errors and should have had better processes in place to ensure that the choice screen was correctly displayed to the affected users.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ OJ C 36, 13.2.2010, p. 7.

- (10) The Commission concluded that Microsoft acted negligently.

Gravity

- (11) The Commission underlines that regardless of the specific circumstances of the case, a failure to comply with a commitment decision is, in principle, a serious breach of Union law ⁽¹⁾.

- (12) In the case at hand, Microsoft's failure to comply with Section 2 of the commitments goes to the core of the Commission's competition concerns and of Microsoft's obligations as set out in the commitments. The number of affected users, approximately 15,3 million, was significant.

- (13) The Commission therefore regards the infringement committed by Microsoft as a serious one.

Duration

- (14) The duration of Microsoft's failure to comply with Section 2 of the commitments was 14 months. When setting the amount of the fine, the Commission took into account that 14 months is a significant part of the overall duration of Section 2 of the commitments (4 years and 39 weeks).

Mitigating factors

- (15) The Decision concluded that the fact that Microsoft helped the Commission to more efficiently investigate the case by providing evidence of the failure to comply is a mitigating factor. Microsoft has deployed resources to conduct a thorough investigation as to the reasons for the failure to comply.

Deterrent effect

- (16) In order to ensure that the fine has a deterrent effect, the Commission took into account Microsoft's size and resources. The Commission therefore took into account the fact that Microsoft's turnover in the fiscal year July 2011 to June 2012, Microsoft's last full business year, was USD 73,723 million (EUR 55,088 million).

The fine

- (17) In the light of all the factors set out above, the Commission set the level of the fine at EUR 561 000 000, corresponding to 1,02 % of Microsoft's turnover in the fiscal year July 2011 to June 2012.

⁽¹⁾ See by analogy Case T-141/08 *E.ON Energie AG v Commission* [2010] ECR II-5761, paragraph 279.

COMMISSION DECISION

of 23 April 2013

on setting up a Commission expert group to be known as the Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation

(2013/C 120/07)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) In its Communication of 6 December 2012 ⁽¹⁾, the Commission presented an action plan to strengthen the fight against tax fraud and tax evasion. The Communication was accompanied by two Recommendations, one on aggressive tax planning ⁽²⁾ and one regarding measures intended to encourage third countries to apply minimum standards of good governance in tax matters ⁽³⁾. These areas are of particular importance today, as also underlined by the European Parliament in its resolution of 19 April 2012 on the call for concrete ways to combat tax fraud and tax evasion ⁽⁴⁾.
- (2) According to the Recommendation on aggressive tax planning, Member States should adopt a general anti-abuse rule under which they would ignore artificial arrangements carried out essentially for tax avoidance purposes and apply their tax rules instead by reference to actual economic substance. The Recommendation also encourages Member States to include in their double tax conventions a provision intended to prevent a specific form of double non-taxation.
- (3) The Recommendation regarding measures intended to encourage third countries to apply minimum standards on good governance in tax matters provides criteria allowing identification of third countries that do not meet those minimum standards. It also lists a series of actions that Member States may take in relation to such third countries and in favour of third countries that do comply with those standards or are committed to do so.
- (4) It is important that these Recommendations be implemented to the widest extent possible in a manner that benefits from all relevant experience, expertise and views. Moreover, these elements should also benefit the report the Commission has committed to publish, by the end of 2015, regarding the application of the abovementioned Recommendations. It should also benefit further work of the Commission in the area concerned.
- (5) In its Communication on double taxation in the single market ⁽⁵⁾, the Commission concluded that it would

examine the potential benefits of setting up an EU Forum on double taxation, i.e. an expert group discussing problems pertaining to this subject. In view of their importance for the operation of the internal market, it appears that those problems should be regularly discussed in an expert group. Moreover, replies from the Commission's public consultation on factual examples and possible ways to tackle double non-taxation have emphasised that, from a practical point of view, double non-taxation and double taxation are often linked and should thus not be dealt with separately. Given that double non-taxation itself presents a link to aggressive tax planning, one of the subjects referred to above, it is appropriate to address double taxation in the same expert group, i.e. the present Platform.

- (6) The Platform should allow for a dialogue in these areas in which experience and expertise are exchanged and the views of all stakeholders are heard.
- (7) The Platform should be chaired by the Commission and consist of representatives from the Member States' tax authorities, organisations representing business or civil society and tax practitioners.
- (8) Rules on disclosure of information by members of the Platform should be laid down.
- (9) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽⁶⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The group of experts called the 'Platform for Tax Good Governance, Aggressive Tax Planning and Double Taxation', hereinafter referred to as 'the Platform', is hereby set up.

Article 2

Tasks

The Platform's tasks shall be:

⁽¹⁾ COM(2012) 722.

⁽²⁾ C(2012) 8806 final.

⁽³⁾ C(2012) 8805 final.

⁽⁴⁾ P7_TA(2012)0030.

⁽⁵⁾ COM(2011) 712 final.

⁽⁶⁾ OJ L 8, 12.1.2001, p. 1.

- (a) to encourage discussion between business, civil society and national tax authorities' experts on issues in the field of good governance in tax matters, aggressive tax planning and double taxation. The term 'good governance in tax matters' covers transparency, exchange of information and fair tax competition;
- (b) to provide the Commission with information relevant to the identification of priorities in these areas and to selecting the appropriate means and instruments to achieve progress in these areas;
- (c) to contribute to the best possible application and implementation of the abovementioned Commission Recommendations, by identifying technical and practical issues potentially relevant in this area, as well as possible solutions;
- (d) to provide the Commission with information relevant to the preparation of its report on the application of its Recommendations regarding measures intended to encourage third countries to apply minimum standards of good governance in tax matters and on aggressive tax planning;
- (e) to discuss practical insights provided by tax authorities, as well as business, civil society and tax practitioners, and to elaborate on possible ways to address more efficiently the current double taxation problems affecting the smooth functioning of the internal market.

Article 3

Consultation

The Commission may consult the Platform on any matter relating to good governance in tax matters, aggressive tax planning and double taxation.

Article 4

Membership — Appointment

1. The Platform shall be composed of a maximum of 45 members.
2. Members of the Platform shall be:
 - (a) Member States' tax authorities;
 - (b) up to 15 business, civil society and tax practitioner organisations.
3. The tax authorities of each Member State shall nominate one representative from among the officials dealing with cross-border taxation with a focus on fighting aggressive tax planning.
4. Following a call for applications, the Director-General for Taxation and Customs Union shall appoint organisations referred to in point (b) of paragraph 2 with competence in the areas referred to in Article 2 and which have responded to the call for applications.
5. When responding to the call for applications, organisations shall nominate one representative and one alternate to replace a representative who is absent or indisposed. The Director-General for Taxation and Customs Union may object the nomination of a representative or alternate by an organisation on the basis that he or she does not meet the profile

required in the call for applications. In such cases, the organisation concerned shall be asked to nominate another representative or another alternate.

6. Alternates shall be nominated on the same conditions as members; alternates automatically replace any members who are absent or indisposed.
7. Organisations are appointed for three years, unless they are replaced or excluded pursuant to paragraph 9. Their term of office may be renewed after they have responded to a further call for applications.
8. Organisations deemed suitable for membership, but not appointed, may be placed on a reserve list to be kept for three years, which the Commission shall use to appoint replacements.
9. Organisations referred to in point (b) of paragraph 2 or their representatives may be replaced or excluded for the remainder of their term of office in any of the following cases:
 - (a) where the organisation or its representative is no longer capable of contributing effectively to the Platform's deliberations;
 - (b) where the organisation or its representative does not comply with the condition set out in Article 339 of the Treaty on the Functioning of the European Union;
 - (c) where the organisation or its representative resigns;
 - (d) where it is desirable in order to maintain a balanced representation of relevant areas of expertise and areas of interest.

With a view to address the situations referred to in the first subparagraph, the Director-General for Taxation and Customs Union may, as appropriate, appoint a replacement organisation from the reserve list referred to in paragraph 8 or ask an organisation to nominate another representative or another alternate.

10. The names of organisations and their representatives shall be published in the Register of Commission expert groups and other similar entities, hereinafter referred to as 'Register', as well as on a dedicated website.

11. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. The Platform shall be chaired by the Director-General for Taxation and Customs Union or his representative.
2. In agreement with the Chair, the Platform may set up subgroups to examine specific questions on the basis of terms of reference defined by the Platform. Such subgroups shall be disbanded as soon as their mandate is fulfilled.
3. The Chairperson may, on an ad hoc basis, invite experts from outside the Platform with specific competence on a subject on the agenda to participate in the work of the Platform or

subgroup. In addition, the Chairperson may invite as observers individuals or organisations, as defined in Rule 8(3) of the horizontal rules on expert group ⁽¹⁾, and candidate countries. In particular, representatives of accession countries and from international organisations may be invited as observers.

4. Members and their representatives, as well as invited experts and observers, shall comply with the obligation of professional secrecy laid down by the Treaties and other relevant Union rules, as well as with the rules regarding the protection of EU classified information, laid down in the Annex to the Commission's Rules of Procedure ⁽²⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.

5. The meetings of the Platform and its subgroups shall in principle be held on Commission premises. The Commission shall provide secretarial services. Other Commission services with an interest in the proceedings may be involved and may attend meetings of the Platform and its subgroups.

6. The Platform shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

7. The Commission publishes all relevant documents on the activities carried out by the Platform (such as agendas, minutes and participants' submissions) either in the Register or via a link from the Register to a dedicated website. A document shall not be published where its disclosure would undermine the

protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 ⁽³⁾.

Article 6

Meeting expenses

1. Participants in the activities of the Platform shall not be remunerated for the services they render.
2. Travel and, where appropriate, subsistence expenses incurred by participants in the activities of the Platform shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 7

Applicability

This Decision shall apply for three years.

Done at Brussels, 23 April 2013.

For the Commission

Algirdas ŠEMETA

Member of the Commission

⁽¹⁾ Communication from the President to the Commission — Framework for Commission expert groups: horizontal rules and public register, C(2010) 7649 final.

⁽²⁾ OJ L 308, 8.12.2000, p. 26.

⁽³⁾ OJ L 145, 31.5.2001, p. 43. These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

CALL FOR PROPOSALS — EAC/S03/13

Preparatory action 'European Partnership on Sports'

(open call)

(2013/C 120/08)

1. Objectives and description

This call for proposals serves to implement the preparatory action 'European Partnership on Sports' in accordance with the Commission Decision adopting the 2013 annual work programme on grants and contracts for the preparatory action 'European Partnership on Sports' and for the 'Special annual events'.

The main objective of this preparatory action is to prepare future EU actions in this field, in particular in the framework of the 'Sport' Chapter of the proposed Union programme for education, training, youth and sport for 2014-2020 ('Erasmus for all'), building on the priorities set in the 2007 White Paper on Sport and the 2011 Communication on developing the European dimension in sport.

This call for proposals will support transnational projects put forward by public bodies or not-for-profit organisations in order to identify and test suitable networks and good practices in the field of sport, in the following areas:

1. strengthening of good governance and dual careers in sport through support for the mobility of volunteers, coaches, managers and staff of non-profit sport organisations;
2. protecting athletes, especially the youngest, from health and safety hazards by improving training and competition conditions;
3. promoting traditional European sports and games.

The Commission department responsible for implementation and management of this action is the Sport Unit of the Directorate-General for Education and Culture.

2. Eligibility2.1. *Applicant*

Eligible applicants are limited to:

— public bodies,

— not-for-profit organisations.

Applicants must:

- have a legal status,
- have their registered head office in one of the EU Member States.

Natural persons may not submit applications under this call for proposals.

2.2. *Proposals*

In order to be eligible under this call for proposals, proposals must:

- be submitted using the official application form and complying with its requirements, completed in full and signed,
- be received by the deadline stipulated in this call for proposals,
- involve actions fully carried out in the Member States of the European Union, and
- include a transnational network with partners from a minimum of five (5) EU Member States.

3. **Budget and project duration**

The budget available for this call for proposals is EUR 2 650 000, under the heading 'Preparatory Action European Partnership on Sports' (Article 15.05.20).

EU co-financing will be provided to a maximum of 80 % of the total eligible costs. The applicant shall provide a minimum of own funding equal to 20 % of the total eligible costs. Applications with additional third-party private funding are encouraged and will receive additional award points. Where projects include a given percentage of third-party private funding, the EU co-financing will be reduced by the same percentage.

Staff costs may not exceed 50 % of the total eligible costs. Contributions in kind are not accepted as co-financing. Depending on the number and quality of the projects submitted, the Commission reserves the right not to award all the funding available.

Projects must start between 1 January 2014 and 31 March 2014 and end no later than 30 June 2015.

The eligibility period for costs is the project duration as specified in the contract.

4. **Deadline for applications**

Applications must be sent no later than on **19 July 2013**, date as per postmark, to:

European Commission
Directorate-General for Education and Culture — Unit D2 (Sport)
J-70, 03/178
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

5. **Further information**

The other texts relating to this call for proposals, which include the application form and the programme guide containing the technical and administrative specifications, can be found at the following Internet address:

http://ec.europa.eu/sport/preparatory_actions/doc1009_en.htm

Applications must comply with the abovementioned texts and must be submitted on the forms provided.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Communication from the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.39740 — Google

(Text with EEA relevance)

(2013/C 120/09)

1. INTRODUCTION

1. According to Article 9 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ⁽¹⁾ ('Regulation (EC) No 1/2003'), the Commission may decide — in cases where it intends to adopt a decision requiring that an infringement is brought to an end and the undertakings concerned offer commitments to meet the concerns expressed to them by the Commission in its preliminary assessment — to make those commitments binding on the undertakings. Such a decision may be adopted for a specified period and shall conclude that there are no longer grounds for action by the Commission. According to Article 27(4) of the same Regulation, the Commission shall publish a concise summary of the case and the main content of the commitments. Interested parties may submit their observations within the time limit fixed by the Commission.

2. SUMMARY OF THE CASE

2. On 13 March 2013, the Commission adopted a preliminary assessment within the meaning of Article 9(1) of Regulation (EC) No 1/2003 addressed to Google Inc. ('Google').
3. In its preliminary assessment, the Commission took the view that Google engages in the following business practices that may violate Article 102 of the Treaty on the Functioning of the European Union ('TFEU') and Article 54 of the EEA Agreement:
 - the favourable treatment, within Google's horizontal Web search results, of links to Google's own vertical Web search services as compared to links to competing vertical Web search services ('first business practice') ⁽²⁾,
 - the use by Google without consent of original content from third party websites in its own vertical Web search services ('second business practice') ⁽³⁾,
 - agreements that *de jure* or *de facto* oblige websites owned by third parties (referred to in the industry as 'publishers') to obtain all or most of their online search advertisement requirements from Google ('third business practice'), and

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and, respectively, 102 of the TFEU. The two sets of provisions are in substance identical. For the purposes of this notice, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82 of the EC Treaty when applicable.

⁽²⁾ Vertical Web search services are Web-based services that are by their design limited to a predefined specific categories of information on the Web. Horizontal Web search services are Web-based services that allow users to search for all information on the Web, irrespective of the nature of the information.

⁽³⁾ The preliminary assessment did not take a view as to the relationship between Google's use of original content from third party websites and intellectual property law.

- contractual restrictions on the management and transferability of online search advertising campaigns across search advertising platforms ('fourth business practice').

3. THE MAIN CONTENT OF THE OFFERED COMMITMENTS

4. Google does not agree that it is engaged in the business practices described above, and with the legal analysis in the Commission's preliminary assessment. It nevertheless offered commitments pursuant to Article 9 of Regulation (EC) No 1/2003 to meet the Commission's preliminary competition concerns in relation to the abovementioned business practices.
5. The key elements of the commitments are as follows:
 6. As regards the first business practice, Google will label links to Google's own vertical Web search services that are subject to a favourable placement in Google's horizontal Web search results. The label shall inform users that the links to Google's own vertical Web search services have been added by Google to provide access to its vertical Web search services, so that users do not confuse links to Google's own vertical Web search services with links to other horizontal Web search results. Where applicable, the label shall also inform users of where, in Google's horizontal Web search results, they can find links to alternative vertical Web search services.
 7. Where applicable, Google will also distinguish links to Google's own vertical Web search services from other horizontal Web search results, so that users are made aware of their different nature.
 8. Finally, where Google displays in its horizontal Web search results links to a Google vertical Web search service, as described in paragraph 6 above, that contains search advertisements or similar commercial links in more than 5 % of the instances where it is viewed by EEA users, Google will display on the horizontal Web search results page links to three relevant competing vertical Web search services. Google will make users clearly aware of the presence of these three rival links. Google will select these three competing vertical Web search services on the basis of mechanisms aimed at ensuring their relevance to the search query.
 9. As regards the second business practice, Google will offer third party websites a Web-based opt-out from the use of all content crawled from their site in Google's vertical Web search services. Upon notification of an opt-out, Google will cease displaying the content at issue in Google's vertical Web search services. The opt-out will not unduly affect the ranking of third party websites in Google's horizontal Web search results.
 10. Google will also offer eligible vertical Web search services that focus on providing product search or local search services, the possibility to mark certain categories of information in such a way that such information will not be indexed or used by Google.
 11. Finally, Google will maintain for newspaper publishers established in the EEA existing mechanisms to enable them to control, on a web page by web page basis, the display of their content in Google News.
 12. The commitments set out in paragraphs 6 to 11 above will apply irrespective of whether a Google vertical Web search service exists today or will be introduced within the period covered by the commitments.
 13. As regards the third business practice, Google commits to no longer include in its agreements with publishers any provisions or impose any unwritten obligations that would, *de jure* or *de facto*, require publishers to source their requirements for online search advertisements exclusively from Google in relation to queries from EEA users.

14. As regards the fourth business practice, Google will cease to impose any written or unwritten obligations (including in its AdWords API terms and conditions) that will prevent advertisers from porting and managing search advertising campaigns across Google's AdWords and non-Google advertising services.
15. The duration of the commitments will be five years and three months from the date on which Google receives formal notification of the Commission's decision pursuant to Article 9 of Regulation (EC) No 1/2003. Google will also appoint a trustee who will monitor its compliance with the commitments.
16. The offered commitments are published in full in English on the website of the Directorate-General for Competition at:

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

4. INVITATION TO MAKE COMMENTS

17. The Commission intends to adopt a decision under Article 9(1) of Regulation (EC) No 1/2003 making binding on Google the commitments summarised above and published on the Internet, on the website of the Directorate-General for Competition.
18. In accordance with Article 27(4) of Regulation (EC) No 1/2003, the Commission invites interested third parties to submit their observations on the commitments. These observations must reach the Commission not later than one month following the date of this publication. Interested third parties are also asked to submit a non-confidential version of their comments, in which any information they claim to be business secrets and other confidential information should be deleted and replaced as required by a non-confidential summary or by the words 'business secrets' or 'confidential'.
19. Answers and comments should preferably be reasoned and should set out the relevant facts. If you identify a problem with any part of the proposed commitments, the Commission would also invite you to suggest a possible solution.
20. Observations can be sent to the Commission under reference number AT.39740 — Google either by e-mail (COMP-GOOGLE-CASES@ec.europa.eu), by fax (+32 22950128) or by post, to the following address:

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

Prior notification of a concentration
(Case COMP/M.6888 — Otsuka/Mitsui/Claris)
Candidate case for simplified procedure
(Text with EEA relevance)
(2013/C 120/10)

1. On 18 April 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Otsuka Pharmaceutical Factory Inc. ('Otsuka', Japan), which is part of the Otsuka group companies held under Otsuka Holdings Co., Ltd (Japan), Mitsui & Co. Ltd ('Mitsui', Japan) and Claris Lifescience Limited ('Claris', India) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a 100 % subsidiary of Claris, Claris Otsuka Limited (the 'JV', India), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Otsuka: pharmaceuticals, nutraceuticals, ⁽²⁾ consumer products, distribution and packaging,
- Mitsui: sale, distribution, purchase, marketing and supply of products in areas such as: iron, steel, non-ferrous metals, machinery, electronics, chemicals, energy-related commodities, foods and retail, lifestyle and consumer service, sale of motor vehicles and motorcycles,
- Claris: manufacturing and distribution of intravenous infusion products, generic drugs, research based products and therapies for acute illnesses and surgical situations,
- Claris Otsuka Limited (the JV): manufacturing, marketing and trading infusion products infusion solutions, anti-infectives and plasma volume expanders.

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 ⁽³⁾ 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.6888 — Otsuka/Mitsui/Claris, to the following address:

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

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

⁽²⁾ 'Nutraceutical' refers to a line of products combining 'nutrition' and 'pharmaceuticals'.

⁽³⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

Prior notification of a concentration
(Case COMP/M.6886 — Lindéngruppen/FAM/Höganäs)
Candidate case for simplified procedure
(Text with EEA relevance)
(2013/C 120/11)

1. On 18 April 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Lindéngruppen AB ('Lindéngruppen') and Foundation Asset Management Sweden AB ('FAM') intend to acquire within the meaning of Article 3 (1) (b) of the Merger Regulation joint control of Höganäs AB ('Höganäs') by way of a public cash offer.
2. The business activities of the undertakings concerned are:
 - for Lindéngruppen: long-term development of industrial companies,
 - for FAM: asset management for certain foundations; and,
 - for Höganäs: manufacture of metal powder.
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.6886 — Lindéngruppen/FAM/Höganäs, to the following address:

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

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

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

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