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## Information and Notices

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### Contents

#### I *Resolutions, recommendations and opinions*

##### OPINIONS

###### **European Commission**

2014/C 362/01	Commission Opinion of 13 October 2014 on the European Central Bank Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (ECB/2014/13) .....	1
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#### II *Information*

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

###### **European Commission**

2014/C 362/02	Non-opposition to a notified concentration (Case M.7380 — EQT Infrastructure/Immomutua/ACVIL JV) <sup>(1)</sup> .....	4
2014/C 362/03	Non-opposition to a notified concentration (Case M.7311 — MOL/ENI Česká/ENI Romania/ENI Slovensko) <sup>(1)</sup> .....	4

# EN

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

## IV Notices

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

#### European Commission

2014/C 362/04	Euro exchange rates .....	5
2014/C 362/05	Opinion of the Advisory Committee on Restrictive Agreements and dominant position given at its meeting of 31 March 2014 regarding a draft decision relating to Case AT.39792 Steel Abrasives — Rapporteur: Romania .....	6
2014/C 362/06	Final Report of the Hearing Officer — Steel Abrasives (AT.39792) .....	7
2014/C 362/07	Summary of Commission Decision of 2 April 2014 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement (Case AT.39792 — Steel Abrasives) ( <i>notified under document C(2014) 2074 final</i> ) .....	8

### NOTICES FROM MEMBER STATES

2014/C 362/08	Information communicated by Member States regarding closure of fisheries .....	11
2014/C 362/09	Information communicated by Member States regarding closure of fisheries .....	11
2014/C 362/10	Information communicated by Member States regarding closure of fisheries .....	12
2014/C 362/11	Communication from the French Government concerning Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons ( <i>Notice regarding applications for exclusive licences to prospect for liquid or gaseous hydrocarbons, designated the 'Permis d'Europa Maritime' and the 'Permis d'Europa Maritime Profond'</i> ) <sup>(1)</sup> .....	13

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## V Announcements

### PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

#### European Commission

2014/C 362/12	Prior notification of a concentration (Case M.7428 — Iridium/DIF/concession businesses) — Candidate case for simplified procedure <sup>(1)</sup> .....	15
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<sup>(1)</sup> Text with EEA relevance

## I

(Resolutions, recommendations and opinions)

## OPINIONS

## EUROPEAN COMMISSION

## COMMISSION OPINION

of 13 October 2014

**on the European Central Bank Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (ECB/2014/13)**

(2014/C 362/01)

**1. Introduction**

1.1. On 20 June 2014, the European Central Bank (ECB) submitted a Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (ECB/2014/13). On 15 July 2014 the Council decided to consult the European Commission on this proposal.

1.2. As this Recommendation is of specific relevance to supervision of financial institutions, markets and infrastructures, the stability of the financial system, but also to European statistics, the Commission welcomes this consultation.

1.3. The ECB recommends that the ECB, on which specific functions in the field of prudential supervision of credit institutions have been conferred by Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions<sup>(1)</sup>, may use confidential statistical information for the performance of these functions. It also recommends that transmission of confidential statistical information between the ESCB members and other authorities of the Member States and the Union responsible for (a) the supervision of financial institutions, markets and infrastructures, and (b) the stability of the financial system, to the European Stability Mechanism (ESM) may take place to support the respective tasks. Authorities may include, inter alia, the competent authorities responsible for supervision and macro-prudential oversight, the European Supervisory Authorities, the European Systemic Risk Board, as well as authorities authorised to resolve credit institutions.

**2. Specific observations**

2.1. The recommended amendment involves, among other things, adding a paragraph 4a to Article 8 of Regulation (EC) No 2533/98<sup>(2)</sup>, in order to enable the transmission and use of statistical information collected by the ESCB between the ESCB and relevant authorities.

2.2. The Commission supports the objectives sought by the ECB's recommendation — minimising the reporting burden of undertakings, ensuring that data only needs to be collected once and also providing the EU and Member States bodies responsible for the supervision of financial institutions, markets and infrastructures and the stability of the financial system with the information necessary for the performance of their tasks.

<sup>(1)</sup> OJ L 287, 29.10.2013, p. 63.

<sup>(2)</sup> OJ L 318, 27.11.1998, p. 8.

2.3. However, the Commission must underline the importance of protecting statistical confidentiality when producing European statistics.

2.4. The Commission would, therefore, like to see, directly in Regulation (EC) No 2533/98, clear and restrictive definitions of the data concerned and the potential use that can be made of them. As regards the receiving authorities, it should be made clear that they are covered by strict confidentiality obligations, including physical and logical protection measures and time restrictions. This is currently not the case, since those obligations are limited to the ESCB members (Article 8(3) of Regulation (EC) No 2533/98).

2.5. The principle of statistical confidentiality is crucial to maintaining the trust of citizens and enterprises alike. It is therefore established in both systems that are responsible for producing European statistics, namely the European Statistical System (ESS) and the ESCB. However, while the principle is applied in the ESS basic legal framework — Regulation (EC) No 223/2009 on European statistics <sup>(1)</sup> — by means of a clear prohibition on the use of data collected for statistical purposes for any other purposes, with very few and strict exceptions to that rule, the basic legal framework for the ESCB — Regulation (EC) No 2533/98 — establishes a rather extensive and not so clearly defined list of exceptions <sup>(2)</sup>.

2.6. It is this list of exceptions that the ECB now recommends should be further expanded, to include the use by entities outside the ESCB that are responsible for tasks related to the supervision of financial institutions, markets and infrastructures and macro-prudential oversight.

2.7. Failure to include clear and strict rules and conditions in the context of the current recommendation to expand the list of exceptions would be a concern for the Commission in several respects. Firstly, because entities that are not part of the ESCB and are not producers of statistics would be allowed access. Those entities are not bound by the professional principles that apply to statistical authorities on the basis of the abovementioned basic framework regulations and related European Statistics Code of Practice. Secondly, because of the character of the information to be accessed and its intended use for financial supervision purposes. Data of high commercial sensitivity for the data subjects would be used for monitoring and verification purposes. While administrative data may be used for statistical purposes, the use of confidential statistical information for administrative purposes would not be in line with usual statistical principles. Thirdly, because the ESCB may not be able to guarantee that the receiving entities outside the ESCB will protect the data to the full extent required. This could weaken public trust in statistical authorities and, as a consequence, would affect response rates and quality of reported data.

2.8. Specific rules apply to data originating in the ESS that have been transmitted to the ESCB (in particular Article 8a of Regulation (EC) No 2533/98). These rules are not directly affected by the amendments that are being proposed. Nevertheless, the Commission considers that additional safeguards are needed. These safeguards should be specified in Regulation (EC) No 2533/98, and not only at a later stage in bilateral agreements between the ECB and the Commission (Eurostat) <sup>(3)</sup> or between other members of the ESCB and of the ESS, respectively.

### 3. Conclusion

3.1. The Commission supports the objectives sought by the ECB's recommendation — minimising the reporting burden of undertakings, ensuring that data only needs to be collected once and also providing the EU and Member States bodies responsible for the supervision of financial institutions, markets and infrastructures and the stability of the financial system with the information necessary for the performance of their tasks.

3.2. However, the Commission must underline the importance of protecting the statistical confidentiality when producing European statistics. In order to protect as much as possible this principle the Regulation should provide clear and restrictive definitions of the data concerned and the potential use that can be made of them. As regards the receiving authorities, it should be made clear that they are covered by strict confidentiality obligations, including physical and logical protection measures and time restrictions.

<sup>(1)</sup> OJ L 87, 31.3.2009, p. 164.

<sup>(2)</sup> See Article 20 in combination with Article 2(1)(e) of Regulation (EC) No 223/2009 for ESS purposes, and Article 8 of Regulation (EC) No 2533/98 for ESCB purposes.

<sup>(3)</sup> Eurostat being the Union's statistical authority responsible for the development, production and dissemination of European statistics.

3.3. Consequently, the Commission is of the opinion that the concerns expressed above have to be addressed in Regulation (EC) No 2533/98.

Done at Brussels, 13 October 2014.

*For the Commission*  
Algirdas ŠEMETA  
*Member of the Commission*

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## II

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

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case M.7380 — EQT Infrastructure/Immomutua/ACVIL JV)****(Text with EEA relevance)**

(2014/C 362/02)

On 7 October 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in the Spanish language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7380. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration****(Case M.7311 — MOL/ENI Česká/ENI Romania/ENI Slovensko)****(Text with EEA relevance)**

(2014/C 362/03)

On 24 September 2014, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in the English language and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32014M7311. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

## IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND  
AGENCIES

## EUROPEAN COMMISSION

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

13 October 2014

(2014/C 362/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2679	CAD	Canadian dollar	1,4216
JPY	Japanese yen	135,95	HKD	Hong Kong dollar	9,8371
DKK	Danish krone	7,4439	NZD	New Zealand dollar	1,6107
GBP	Pound sterling	0,78800	SGD	Singapore dollar	1,6115
SEK	Swedish krona	9,1103	KRW	South Korean won	1 352,15
CHF	Swiss franc	1,2077	ZAR	South African rand	14,0093
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,7684
NOK	Norwegian krone	8,2295	HRK	Croatian kuna	7,6515
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 460,12
CZK	Czech koruna	27,545	MYR	Malaysian ringgit	4,1356
HUF	Hungarian forint	305,51	PHP	Philippine peso	56,741
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	51,3027
PLN	Polish zloty	4,1916	THB	Thai baht	41,113
RON	Romanian leu	4,4008	BRL	Brazilian real	3,0303
TRY	Turkish lira	2,8822	MXN	Mexican peso	17,0317
AUD	Australian dollar	1,4480	INR	Indian rupee	77,3356

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

**Opinion of the Advisory Committee on Restrictive Agreements and dominant position given at its meeting of 31 March 2014 regarding a draft decision relating to Case AT.39792 Steel Abrasives**

**Rapporteur: Romania**

(2014/C 362/05)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes agreements and/or concerted practices between undertakings within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
  2. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision have participated in a single and continuous infringement of Article 101 of the TFEU and Article 53 of the EEA Agreement.
  3. The Advisory Committee agrees with the Commission that the object of the agreements and/or concerted practices was to restrict competition within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
  4. The Advisory Committee agrees with the Commission that the agreements and/or concerted practices have been capable of appreciably affecting trade between the Member States of the EU and EEA.
  5. The Advisory Committee agrees with the Commission's assessment as regards the duration of the infringement for each addressee.
  6. The Advisory Committee agrees with the Commission as regards the addressees of the decision.
  7. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision.
  8. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
  9. The Advisory Committee agrees with the determination of the duration for the purpose of calculating the fines.
  10. The Advisory Committee agrees with the Commission that there are no aggravating circumstances applicable in this case.
  11. The Advisory Committee agrees with the Commission on the reductions based on the mitigating circumstances.
  12. The Advisory Committee agrees with the Commission on the adaptation of the fines based on point 37 of the 2006 Guidelines on Fines.
  13. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice.
  14. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice.
  15. The Advisory Committee agrees with the Commission's assessment of the inability to pay request.
  16. The Advisory Committee agrees with the Commission on the final amounts of the fines.
  17. The Advisory Committee recommends the publication of its Opinion in the *Official Journal of the European Union*.
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**Final Report of the Hearing Officer <sup>(1)</sup>****Steel Abrasives****(AT.39792)**

(2014/C 362/06)

On 16 January 2013, the European Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 <sup>(2)</sup> against Ervin <sup>(3)</sup>, MTS <sup>(4)</sup>, [another undertaking] <sup>(5)</sup>, Winoa <sup>(6)</sup>, and Würth <sup>(7)</sup>.

Following settlement discussions and settlement submissions in accordance with Article 10a(2) of Regulation (EC) No 773/2004 <sup>(8)</sup>, on 13 February 2014 the European Commission adopted a Statement of Objections ('SO') addressed to Ervin, MTS, Winoa and Würth (the 'settling parties') <sup>(9)</sup> stating that they had participated in a single and continuous infringement of Article 101 of the Treaty on the Functioning of the European Union and of Article 53 of the EEA Agreement. The SO alleged that, through bilateral and multilateral contacts, the settling parties had coordinated their conduct with respect to prices of steel abrasives in the EEA by setting up a uniform calculation model for a common scrap surcharge, introducing an energy surcharge and restricting competition regarding individual customers.

In their replies to the SO, the settling parties confirmed that the SO addressed to them reflected the content of their settlement submissions.

Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known their views, and I have come to a positive conclusion.

In view of the above, and taking into account that the settling parties have not addressed any requests or complaints to me <sup>(10)</sup>, I consider that the effective exercise of their procedural rights in this case has been respected.

Brussels, 31 March 2014.

Wouter WILS

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<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

<sup>(3)</sup> Ervin Industries Inc. and Ervin Amasteel.

<sup>(4)</sup> Metalltechnik Schmidt GmbH & Co. KG.

<sup>(5)</sup> [...].

<sup>(6)</sup> WHA Holding SAS and Winoa SA.

<sup>(7)</sup> Eisenwerk Würth GmbH.

<sup>(8)</sup> Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18).

<sup>(9)</sup> [The other undertaking] did not submit a formal request to settle pursuant to Article 10a(2) of Regulation (EC) No 773/2004. The administrative proceedings under Article 7 of Regulation (EC) No 1/2003 against [that other undertaking] are pending.

<sup>(10)</sup> Under Article 15(2) of Decision 2011/695/EU, parties to the proceedings in cartel cases which engage in settlement discussions pursuant to Article 10a of Regulation (EC) No 773/2004 may call upon the hearing officer at any stage during the settlement procedure in order to ensure the effective exercise of their procedural rights. See also paragraph 18 of Commission Notice on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of Council Regulation (EC) No 1/2003 in cartel cases (OJ C 167, 2.7.2008, p. 1).

**Summary of Commission Decision  
of 2 April 2014  
relating to a proceeding under Article 101 of the Treaty on the Functioning of the European  
Union and Article 53 of the EEA Agreement**

**(Case AT.39792 — Steel Abrasives)**

*(notified under document C(2014) 2074 final)*

**(Only the English text is authentic)**

(2014/C 362/07)

On 2 April 2014, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 <sup>(1)</sup>, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

## 1. INTRODUCTION

- (1) The Decision relates to a single and continuous infringement of Article 101 of the Treaty and Article 53 of the EEA Agreement in the sector of steel abrasives. Steel abrasives are loose steel particles, either in round (steel shot) or angular (steel grit) form, with their main applications in the steel, automotive, metallurgy, petrochemical and stone cutting industries. They are produced by the atomisation of molten steel from steel scrap, followed by a series of thermal and mechanical treatments in order to give them final characteristics. The anti-competitive conduct identified in this case covers both steel shot and steel grit in all their grades. The Decision is addressed to the following entities: (i) Ervin Industries Inc. and Ervin Amasteel (Ervin); (ii) WHA Holding SAS and Winoa SA (Winoa); (iii) Metalltechnik Schmidt GmbH & Co. KG (MTS) and (iv) Eisenwerk Würth GmbH (Würth).

## 2. CASE DESCRIPTION

### 2.1. Procedure

- (2) Following the immunity application by Ervin, the Commission carried out unannounced inspections between 15 and 17 June 2010 at the premises of various producers of steel abrasives.
- (3) During the investigation, the Commission also sent several requests for information under Article 18 of Regulation (EC) No 1/2003.
- (4) On 16 January 2013, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 against the addressees of the Decision and another party with a view to engaging in settlement discussions with them. Settlement meetings took place between February 2013 and December 2013. Subsequently, Ervin, Winoa, MTS and Würth submitted to the Commission their formal requests to settle pursuant to Article 10a(2) of Regulation (EC) No 773/2004 <sup>(2)</sup>.
- (5) On 13 February 2014, the Commission adopted a Statement of Objections addressed to Ervin, Winoa, MTS and Würth. All these parties confirmed that it reflected the contents of their submissions and that they therefore remained committed to following the settlement procedure. The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 31 March 2014 and the Commission adopted the Decision on 2 April 2014.

### 2.2. Addressees and duration

- (6) The addressees of the Decision have participated in a cartel and/or bear liability for it, infringing therefore Article 101 of the Treaty, during the periods indicated below:

Entity	Duration
Ervin Industries Inc. Ervin Amasteel	3 October 2003-30 March 2010
Winoa SA WHA Holding SAS	3 October 2003-15 June 2010 6 October 2005-15 June 2010

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

<sup>(2)</sup> Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18).

Entity	Duration
Metalltechnik Schmidt GmbH & Co. KG	15 October 2003-15 June 2010
Eisenwerk Würth GmbH	19 January 2004-15 June 2010

- (7) Ervin Industries Inc. is jointly and severally liable as parent company for the participation of its subsidiary Ervin Amasteel. WHA Holding SAS and Winoa SA are also liable for the behaviour of their directly or indirectly wholly owned relevant subsidiaries and WHA Holding SAS is also jointly and severally liable for the behaviour of Winoa SA.

### 2.3. Summary of the infringement

- (8) The Decision concerns a cartel, the ultimate aim of which was to coordinate prices of steel abrasives and to restrict price competition. In order to achieve their aim the parties engaged in frequent anticompetitive contacts on bilateral, as well as multilateral, bases. Those contacts were used by the parties to discuss the key price components applicable to all their EEA steel abrasives sales and in particular to:
- (a) coordinate the introduction of a uniform calculation model for a common scrap surcharge — a variable surcharge that would be applicable to the price of all steel abrasives in the EEA; the common surcharge was applicable throughout the entire period of the infringement;
  - (b) introduce an energy surcharge;
  - (c) coordinate behaviour with respect to individual customers; the parties discussed (mainly through bilateral contacts) which parameters of competition would be allowed between them as regards individual customers: in principle price competition was restricted, which limited competition only to quality and services. With the ultimate aim to limit price competition, in some instances parties also allocated customers.
- (9) The geographic scope of the conduct as regards all parties was EEA-wide during the entire period of their participation.

### 2.4. Remedies

- (10) The Decision applies the 2006 Guidelines on Fines<sup>(1)</sup>. With the exception of Ervin, the Decision imposes fines on all the entities listed under point (6) above.

#### 2.4.1. Basic amount of the fine

- (11) In setting the fines, the Commission took into account the sales of the participating entities in the markets concerned in the last year prior to the end of the cartel, the fact that price coordination arrangements are amongst the most harmful restrictions of competition, the duration of the cartel and an additional amount to deter undertakings from entering into price coordination practices.

#### 2.4.2. Adjustments to the basic amount

- (12) The Commission did not apply any aggravating circumstances. However, the Commission considered that mitigating circumstances applied for MTS and Würth, since evidence showed that they contributed to a lesser extent than other parties in some of the arrangements for maintaining the cartel.

#### 2.4.3. Adaption of the adjusted basic amount

- (13) In view of the specific circumstances of this case, the Commission exercised its discretion in accordance with point 37 of the 2006 Fines Guidelines and adapted the fines in a way that takes into account the proportion of the sales of the cartelised product in the total turnover and the differences between the parties in view of their individual participation in the infringement.

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

- (14) In this case, none of the fines exceeded 10 % of an undertaking's total turnover for 2012.

#### 2.4.5. Application of the 2006 Leniency Notice: reduction of fines

- (15) The Commission granted full immunity from the fine to Ervin.

<sup>(1)</sup> OJ C 210, 1.9.2006, p. 2.

#### 2.4.6. *Application of the Settlement Notice*

- (16) As a result of the application of the Settlement Notice, the amount of the fines imposed on all addressees was reduced by 10 %.

### 3. **CONCLUSION**

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

- (a) Ervin Industries Inc. and Ervin Amasteel, jointly and severally: EUR 0;
  - (b) Winoa SA: EUR 8 046 000;
  - (c) Winoa SA and WHA Holding SAS, jointly and severally: EUR 19 519 000;
  - (d) Metalltechnik Schmidt GmbH & Co. KG: EUR 2 079 000;
  - (e) Eisenwerk Würth GmbH: EUR 1 063 000.
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## NOTICES FROM MEMBER STATES

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

(2014/C 362/08)

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

Date and time of closure	13.9.2014
Duration	13.9.2014-31.12.2014
Member State	Belgium
Stock or group of stocks	SOL/8AB.
Species	Common sole ( <i>solea solea</i> )
Zone	VIIIa and VIIIb
Type(s) of fishing vessels	—
Reference number	45/TQ43

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

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

(2014/C 362/09)

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

Date and time of closure	13.9.2014
Duration	13.9.2014-31.12.2014
Member State	Belgium
Stock or Group of stocks	SRX/07D.
Species	Skates and rays ( <i>Rajiformes</i> )
Zone	Union waters of VIId
Type(s) of fishing vessels	—
Reference number	46/TQ43

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

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

(2014/C 362/10)

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

Date and time of closure	13.9.2014
Duration	13.9.2014-31.12.2014
Member State	Belgium
Stock or Group of stocks	SRX/89-C.
Species	Skates and rays ( <i>Rajiformes</i> )
Zone	Union waters of VIII and IX
Type(s) of fishing vessels	—
Reference number	47/TQ43

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

**Communication from the French Government concerning Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons <sup>(1)</sup>**

*(Notice regarding applications for exclusive licences to prospect for liquid or gaseous hydrocarbons, designated the 'Permis d'Europa Maritime' and the 'Permis d'Europa Maritime Profond')*

**(Text with EEA relevance)**

(2014/C 362/11)

On 12 December 2013, the companies MAREX EU INC. and SOUTH ATLANTIC PETROLEUM UN SAS, represented in France by Cabinet BONNA-AUZAS Avocats, address 6, rue Paul Valéry, 75116 Paris, applied for an exclusive five-year licence to prospect for liquid and gaseous hydrocarbons, designated the 'Permis d'Europa Maritime'.

On 28 February 2014, the company GEOTECH HONGKONG Ltd, represented in France by YB CONSEIL EURL, address 1897, route de Montjoly, RDL Résidence Man CIA — ADC DOM, 97354 Rémire-Montjoly, Cayenne, applied for an exclusive five-year licence to prospect for liquid and gaseous hydrocarbons, designated the 'Permis d'Europa Maritime Profond'.

The perimeter of these licence applications concerning the exclusive economic area of the island Europa, which is located in the southern part of the Mozambique Channel and belongs to the Scattered French Islands, covers the area demarcated by the straight lines connecting in turn the points defined below by their WGS84 geographical coordinates in sexagesimal degrees, the meridian of origin being the Greenwich meridian:

Point	Longitude	Latitude
A	40° 55' 00" E	19° 03' 00" S
B	41° 06' 00" E	19° 08' 00" S
C	Intersection of the parallel 23° 08' 26" S with the exclusive economic areas of France and Madagascar, to be determined	
D	Intersection of the parallel 23° 12' 05" S with the exclusive economic areas of France and Mozambique, to be determined	

B to C: limits of the exclusive economic areas of France and Madagascar, to be determined;

D to A: limits of the exclusive economic areas of France and Mozambique, to be determined.

**Submission of applications and criteria for awarding rights**

The initial applicants and competing applicants must prove that they meet the requirements for obtaining the licence, as specified in Articles 4 and 5 of Decree No 2006-648 of 2 June 2006 (as amended) concerning mining rights and underground storage rights (*Official Journal of the French Republic*, 3 June 2006).

Interested companies may, within 90 days of the publication of this notice, submit a competing application in accordance with the procedure summarised in the 'Notice regarding the granting of mining rights for hydrocarbons in France' published in the *Official Journal of the European Communities* C 374 of 30 December 1994, page 11, and established by Decree No 2006-648 of 2 June 2006 (as amended) concerning mining rights and underground storage rights (*Official Journal of the French Republic*, 3 June 2006).

Competing applications must be sent to the Ministry of Ecology, Sustainable Development and Energy at the address given below. Decisions on the initial application and any competing applications will be taken within two years of the date on which the French authorities received the initial application, i.e. by 18 April 2016 at the latest.

**Conditions and requirements regarding performance of the activity and cessation thereof**

Applicants are referred to Articles 79 and 79(1) of the French Mining Code and to Decree No 2006-649 of 2 June 2006 (as amended) on mining and underground storage operations and the regulations governing mining and underground storage (*Official Journal of the French Republic*, 3 June 2006).

<sup>(1)</sup> OJ L 164, 30.6.1994, p. 3.

Further information can be obtained from the Ministry of Ecology, Sustainable Development and Energy:

Direction générale de l'énergie et du climat — Direction de l'énergie  
Bureau exploration et production des hydrocarbures  
Tour Séquoia  
1 place Carpeaux  
92800 Puteaux  
FRANCE

Tel. +33 140819527

The abovementioned laws and regulations can be consulted on the Légifrance website: <http://www.legifrance.gouv.fr>

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## V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

## EUROPEAN COMMISSION

**Prior notification of a concentration****(Case M.7428 — Iridium/DIF/concession businesses)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2014/C 362/12)

1. On 6 October 2014, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Iridium Concesiones de infraestructuras S.A. ('Iridium', Spain), a subsidiary of the ACS Group (Spain), and DIF Management B.V. ('DIF', the Netherlands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over a number of concession businesses by way of purchase of shares in a newly created joint venture and by way of contract of management.

2. The business activities of the undertakings concerned are:

- Iridium is active in the development, management and maintenance of concessions involving transport and public works infrastructure worldwide,
- DIF manages investment funds active in high quality infrastructure assets, including public-private partnership projects related to social infrastructure and renewable energy projects, in Europe and North America,
- concession businesses, which are currently solely or jointly controlled by Iridium, in the hospital infrastructure and transport infrastructure sector in Spain.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the 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 Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in this 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 e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7428 — Iridium/DIF/concession businesses, to the following address:

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

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

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.





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