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⁽¹⁾ Text with EEA relevance

II

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

EUROPEAN COMMISSION

COMMUNICATION FROM THE COMMISSION

**Updating of data used to calculate lump sum and penalty payments to be proposed by the
Commission to the Court of Justice in infringement proceedings**

(2015/C 257/01)

I. INTRODUCTION

The 2005 Commission Communication on the application of Article 228 of the EC Treaty⁽¹⁾ (now Article 260(1) and (2) of the Treaty on the Functioning of the European Union (TFEU)) established the basis on which the Commission calculates the amount of the financial sanctions (either lump sum or penalty payments) that it requests the Court of Justice to apply when the Commission brings a case before the Court under Article 260 TFEU, in the context of infringement proceedings against a Member State.

In a subsequent Communication of 2010⁽²⁾ on the updating of the data used for this calculation, the Commission established that the macroeconomic data be subject to revision every year, in order to take into account inflation and gross domestic product ('GDP') movements.

The yearly update provided in this Communication is based on developments in the inflation and GDP of each Member State⁽³⁾. The relevant rate of inflation and GDP statistics to be used are those established two years prior to the update ('n-2 rule'), as two years is the minimum period of time necessary for gathering relatively stable macroeconomic data. This Communication is therefore based on economic data for nominal GDP and the GDP deflator for 2013⁽⁴⁾ and the current weighting of Member State voting rights in the Council.

II. COMPONENTS OF THE UPDATE

The list of economic criteria to be revised is as follows:

- the standard flat-rate amount for the penalty payment⁽⁵⁾, currently fixed at EUR 660 per day, to be revised in line with inflation;
- the standard flat-rate amount for the lump sum payment⁽⁶⁾, currently fixed at EUR 220 per day, to be revised in line with inflation;

⁽¹⁾ SEC(2005) 1658; OJ C 126, 7.6.2007, p. 15.

⁽²⁾ SEC(2010) 923/3. This Communication was updated in 2011 (SEC(2011) 1024 final), in 2012 (C(2012) 6106 final), in 2013 (C(2013) 8101 final) and in 2014 (C(2014) 6767 final), for the yearly adaptation of economic data.

⁽³⁾ According to the general rules set out in the communications of 2005 and 2010.

⁽⁴⁾ The GDP price deflator is used as a measure of inflation. The uniform amounts for lump sum and penalty payments are rounded to the nearest multiple of ten. The minimum lump sums are rounded to the nearest multiple of thousand. The 'n' factor is rounded to two decimal places.

⁽⁵⁾ The standard or uniform flat-rate amount for daily penalty payments is defined as the fixed basic amount to which certain multiplier weightings are applied. The weightings are the coefficients for the seriousness and the duration of the infringement and the special factor 'n' corresponding to the Member State concerned that are to be applied for the calculation of a daily penalty payment.

⁽⁶⁾ The flat-rate amount is to be applied when calculating the lump sum. As regards Article 260(2) TFEU, the lump sum will result from multiplying a daily (lump sum) amount (resulting from multiplying the flat-rate for lump sum payments by the coefficient for seriousness and the result of this calculation being multiplied by the special factor 'n') by the number of days the infringement persists between the date of the first judgment and the date that the infringement comes to an end or the date of delivery of the judgment under Article 260(2) TFEU. As regards Article 260(3) TFEU, according to point 28 of the Commission Communication on 'Implementation of Article 260(3) of the Treaty' (SEC(2010)1371 final; OJ C 12, 15.1.2011, p. 1), the lump sum will result from multiplying a daily (lump sum) amount (resulting from multiplying the flat-rate for lump sum payments by the coefficient for seriousness and the result of this calculation being multiplied by the special factor 'n') by the number of days from the day after the time limit for transposition set out in the directive expired until the first judgment under Articles 258 and 260 (3) TFEU. The (daily) lump sum will be proposed by the Commission when the result of the calculation mentioned in the first sentence exceeds the minimum fixed lump sum.

- the special 'n' factor ⁽¹⁾, to be revised in line with the GDP of the Member State in question taking into account the number of voting rights it has in the Council; the 'n' factor is identical for the calculation of lump sum and daily penalty payments;
- minimum lump sum payments ⁽²⁾ to be revised in line with inflation.

III. UPDATES

The Commission will apply the following updated figures to calculate the amount of the financial sanctions (lump sum or penalty payments) when it brings a case to the Court of Justice under Article 260(2) and (3) TFEU:

- (1) the standard flat-rate amount for calculating the penalty payment is fixed at **EUR 670** per day,
- (2) the standard flat rate for the lump sum payment is fixed at **EUR 220** per day.
- (3) The special 'n' factor and the minimum lump sum (in EUR) for the 28 Member States are set as follows:

	Special 'n' factor	Minimum lump sum (EUR 1 000)
Belgium	5,12	2 844
Bulgaria	1,51	839
Czech Republic	3,23	1 794
Denmark	3,13	1 739
Germany	21,21	11 782
Estonia	0,64	356
Ireland	2,60	1 444
Greece	3,48	1 933
Spain	12,51	6 949
France	18,41	10 227
Croatia	1,30	722
Italy	16,05	8 916
Cyprus	0,63	350
Latvia	0,72	400
Lithuania	1,16	644
Luxembourg	1,00	556
Hungary	2,58	1 433
Malta	0,35	194
Netherlands	6,79	3 772
Austria	4,22	2 344
Poland	7,68	4 266
Portugal	3,35	1 861
Romania	3,34	1 855

⁽¹⁾ The special factor 'n' takes into account the capacity of the Member State to pay (GDP) and the number of votes it has in the Council.

⁽²⁾ The minimum fixed lump sum payment is determined for each Member State according to the special 'n' factor. The minimum fixed lump sum will be proposed to the Court when the summed up daily lump sum payments do not exceed the minimum fixed lump sum.

	Special 'n' factor	Minimum lump sum (EUR 1 000)
Slovenia	0,89	494
Slovakia	1,69	939
Finland	2,79	1 550
Sweden	4,91	2 728
United Kingdom	17,97	9 982

- (4) The Commission will apply the updated figures to decisions it takes to bring a case before the Court of Justice under Article 260 of the TFEU from the date of adoption of this Communication.
-

Initiation of proceedings
(Case M.7630 — FedEx/TNT Express)
(Text with EEA relevance)
(2015/C 257/02)

On 31 July 2015, the Commission decided to initiate proceedings in the above-mentioned case after finding that the notified concentration raises serious doubts as to its compatibility with the internal market. The initiation of proceedings opens a second phase investigation with regard to the notified concentration, and is without prejudice to the final decision on the case. The decision is based on Article 6(1)(c) of Council Regulation (EC) No 139/2004 ⁽¹⁾.

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

In order to be fully taken into account in the procedure, observations should reach the Commission not later than 15 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference No M.7630 — FedEx/TNT Express, 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 'Merger Regulation').

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

5 August 2015

(2015/C 257/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0883	CAD	Canadian dollar	1,4334
JPY	Japanese yen	135,23	HKD	Hong Kong dollar	8,4386
DKK	Danish krone	7,4617	NZD	New Zealand dollar	1,6641
GBP	Pound sterling	0,69630	SGD	Singapore dollar	1,5057
SEK	Swedish krona	9,4776	KRW	South Korean won	1 273,24
CHF	Swiss franc	1,0658	ZAR	South African rand	13,8983
ISK	Iceland króna		CNY	Chinese yuan renminbi	6,7580
NOK	Norwegian krone	8,9955	HRK	Croatian kuna	7,5800
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 707,43
CZK	Czech koruna	27,037	MYR	Malaysian ringgit	4,2202
HUF	Hungarian forint	309,30	PHP	Philippine peso	49,758
PLN	Polish zloty	4,1697	RUB	Russian rouble	68,5840
RON	Romanian leu	4,4145	THB	Thai baht	38,346
TRY	Turkish lira	3,0247	BRL	Brazilian real	3,7721
AUD	Australian dollar	1,4755	MXN	Mexican peso	17,7295
			INR	Indian rupee	69,3846

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

New national side of euro coins intended for circulation

(2015/C 257/04)



National side of the new common commemorative 2-euro coin intended for circulation and issued by Greece

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins ⁽¹⁾. In accordance with the Council conclusions of 10 February 2009 ⁽²⁾, euro-area Member States and countries that have concluded a monetary agreement with the European Union providing for the issuing of euro coins are allowed to issue commemorative euro coins intended for circulation, provided that certain conditions are met, particularly that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

To celebrate thirty years of the EU flag, euro-area Finance Ministers decided that euro-area Member States would strike a 2-euro commemorative coin using a common design on the national side. Euro-area citizens and residents have selected by public web-voting the winning design. Voters had a choice of five designs, which had been pre-selected by a professional jury following a design competition among European Mints, and they choose the design created by Mr Georgios Stamatopoulos, professional designer at the Bank of Greece.

Issuing country: Greece

Subject of commemoration: The 30th anniversary of the EU flag

Description of the design: The design shows the EU flag as a symbol that unites people and cultures with shared visions and ideals for a better common future. Twelve stars that morph into human figures are embracing the birth of a new Europe. At the top right, in semi-circle, are the issuing country HELLENIC REPUBLIC in Greek and the years '1985-2015'. In between the flag and the years is the mint mark. At the bottom right are the initials of the artist (Georgios Stamatopoulos).

The coin's outer ring depicts the 12 stars of the European flag.

Number of coins to be issued: 750 000

Date of issue: 3rd quarter 2015

⁽¹⁾ See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

⁽²⁾ See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

New national side of euro coins intended for circulation

(2015/C 257/05)

*National side of the new common commemorative 2-euro coin intended for circulation and issued by the Netherlands*

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins ⁽¹⁾. In accordance with the Council conclusions of 10 February 2009 ⁽²⁾, euro-area Member States and countries that have concluded a monetary agreement with the European Union providing for the issuing of euro coins are allowed to issue commemorative euro coins intended for circulation, provided that certain conditions are met, particularly that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

To celebrate thirty years of the EU flag, euro-area Finance Ministers decided that euro-area Member States would strike a 2-euro commemorative coin using a common design on the national side. Euro-area citizens and residents have selected by public web-voting the winning design. Voters had a choice of five designs, which had been pre-selected by a professional jury following a design competition among European Mints, and they choose the design created by Mr Georgios Stamatopoulos, professional designer at the Bank of Greece.

Issuing country: The Netherlands

Subject of commemoration: The 30th anniversary of the EU flag

Description of the design: The design shows the EU flag as a symbol that unites people and cultures with shared visions and ideals for a better common future. Twelve stars that morph into human figures are embracing the birth of a new Europe. At the top is the issuing country 'NEDERLAND'. At the right are the years '1985-2015'. In between the flag and the years is the mint master mark and the mint mark. At the bottom right are the initials of the artist (Georgios Stamatopoulos).

The coin's outer ring depicts the 12 stars of the European flag.

Number of coins to be issued: 1 000 000

Date of issue: October 2015

⁽¹⁾ See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

⁽²⁾ See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

New national side of euro coins intended for circulation

(2015/C 257/06)



National side of the new common commemorative 2-euro coin intended for circulation and issued by Cyprus

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins ⁽¹⁾. In accordance with the Council conclusions of 10 February 2009 ⁽²⁾, euro-area Member States and countries that have concluded a monetary agreement with the European Union providing for the issuing of euro coins are allowed to issue commemorative euro coins intended for circulation, provided that certain conditions are met, particularly that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

To celebrate thirty years of the EU flag, euro-area Finance Ministers decided that euro-area Member States would strike a 2-euro commemorative coin using a common design on the national side. Euro-area citizens and residents have selected by public web-voting the winning design. Voters had a choice of five designs, which had been pre-selected by a professional jury following a design competition among European Mints, and they choose the design created by Mr Georgios Stamatopoulos, professional designer at the Bank of Greece.

Issuing country: Cyprus

Subject of commemoration: The 30th anniversary of the EU flag

Description of the design: The design shows the EU flag as a symbol that unites people and cultures with shared visions and ideals for a better common future. Twelve stars that morph into human figures are embracing the birth of a new Europe. At the top right, in semi-circle, are the name of the issuing country 'ΚΥΠΡΟΣ ΚΙΒΡΙΣ' and the years '1985-2015'. At the bottom right are the initials of the artist (Georgios Stamatopoulos).

The coin's outer ring depicts the 12 stars of the European flag.

Number of coins to be issued: 350 000

Date of issue: 4th quarter 2015

⁽¹⁾ See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

⁽²⁾ See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

New national side of euro coins intended for circulation

(2015/C 257/07)



National side of the new common commemorative 2-euro coin intended for circulation and issued by Lithuania

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins ⁽¹⁾. In accordance with the Council conclusions of 10 February 2009 ⁽²⁾, euro-area Member States and countries that have concluded a monetary agreement with the European Union providing for the issuing of euro coins are allowed to issue commemorative euro coins intended for circulation, provided that certain conditions are met, particularly that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

To celebrate thirty years of the EU flag, euro-area Finance Ministers decided that euro-area Member States would strike a 2-euro commemorative coin using a common design on the national side. Euro-area citizens and residents have selected by public web-voting the winning design. Voters had a choice of five designs, which had been pre-selected by a professional jury following a design competition among European Mints, and they choose the design created by Mr Georgios Stamatopoulos, professional designer at the Bank of Greece.

Issuing country: Lithuania

Subject of commemoration: The 30th anniversary of the EU flag

Description of the design: The design shows the EU flag as a symbol that unites people and cultures with shared visions and ideals for a better common future. Twelve stars that morph into human figures are embracing the birth of a new Europe. At the top right, in semi-circle, are the issuing country 'LIETUVA' and the years '1985-2015'. At the right side, in between the flag and the years is the mint mark. At the bottom right are the initials of the artist (Georgios Stamatopoulos).

The coin's outer ring depicts the 12 stars of the European flag.

Number of coins to be issued: 750 000

Date of issue: November 2015

⁽¹⁾ See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

⁽²⁾ See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

New national side of euro coins intended for circulation

(2015/C 257/08)



National side of the new common commemorative 2-euro coin intended for circulation and issued by Latvia

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins ⁽¹⁾. In accordance with the Council conclusions of 10 February 2009 ⁽²⁾, euro-area Member States and countries that have concluded a monetary agreement with the European Union providing for the issuing of euro coins are allowed to issue commemorative euro coins intended for circulation, provided that certain conditions are met, particularly that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

To celebrate thirty years of the EU flag, euro-area Finance Ministers decided that euro-area Member States would strike a 2-euro commemorative coin using a common design on the national side. Euro-area citizens and residents have selected by public web-voting the winning design. Voters had a choice of five designs, which had been pre-selected by a professional jury following a design competition among European Mints, and they choose the design created by Mr Georgios Stamatopoulos, professional designer at the Bank of Greece.

Issuing country: Latvia

Subject of commemoration: The 30th anniversary of the EU flag

Description of the design: The design shows the EU flag as a symbol that unites people and cultures with shared visions and ideals for a better common future. Twelve stars that morph into human figures are embracing the birth of a new Europe. At the top right, in semi-circle, are the issuing country 'LATVIJA' and the years '1985-2015'. At the bottom right are the initials of the artist (Georgios Stamatopoulos).

The coin's outer ring depicts the 12 stars of the European flag.

Number of coins to be issued: 1 010 000

Date of issue: November 2015

⁽¹⁾ See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

⁽²⁾ See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

New national side of euro coins intended for circulation

(2015/C 257/09)



National side of the new common commemorative 2-euro coin intended for circulation and issued by Portugal

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins ⁽¹⁾. In accordance with the Council conclusions of 10 February 2009 ⁽²⁾, euro-area Member States and countries that have concluded a monetary agreement with the European Union providing for the issuing of euro coins are allowed to issue commemorative euro coins intended for circulation, provided that certain conditions are met, particularly that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

To celebrate 30 years of the EU flag, euro-area Finance Ministers decided that euro-area Member States would strike a 2-euro commemorative coin using a common design on the national side. Euro-area citizens and residents have selected by public web-voting the winning design. Voters had a choice of five designs, which had been preselected by a professional jury following a design competition among European Mints, and they choose the design created by Mr Georgios Stamatopoulos, professional designer at the Bank of Greece.

Issuing country: Portugal

Subject of commemoration: The 30th anniversary of the EU flag

Description of the design: The design shows the EU flag as a symbol that unites people and cultures with shared visions and ideals for a better common future. Twelve stars that morph into human figures are embracing the birth of a new Europe. At the top right, in semi-circle, are the issuing country 'PORTUGAL' and the years '1985-2015'. At the right side, in between the flag and the years is the mint mark 'INCM'. At the bottom right are the initials of the artist (Georgios Stamatopoulos).

The coin's outer ring depicts the 12 stars of the European flag.

Number of coins to be issued: 520 000

Date of issue: November 2015

⁽¹⁾ See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

⁽²⁾ See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

WITHDRAWAL OF COMMISSION PROPOSALS

(2015/C 257/10)

List of withdrawn proposals

Document	Inter-institutional procedure	Title
Internal Market, Industry, Entrepreneurship and SMEs		
COM(2014) 0344	2014/0176/COD	Proposal for a Directive of the European Parliament and of the Council on the dissemination of Earth observation satellite data for commercial purposes
Justice, Consumers and Gender Equality		
COM(2008) 0637	2008/0193/COD	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.7566 — Mondi/Walki Assets)

(Text with EEA relevance)

(2015/C 257/11)

1. On 29 July 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Mondi PLC ('Mondi', United Kingdom) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of parts of Walki Group Oy ('Target', Finland) by way of purchase of shares and assets.
2. The business activities of the undertakings concerned are the following:
 - Mondi is a vertically integrated packaging and paper company, which also manufactures extrusion coating products.
 - The Target comprises Walki's extrusion coating operations at its plants in Pietarsaari, Finland and Wrocław, Poland.
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.
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 M.7566 — Mondi/Walki Assets, 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 'Merger Regulation').

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