

# Official Journal of the European Union

# C 402



English edition

## Information and Notices

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

## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
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## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case M.7766 — HNA Group/Aguila)****(Text with EEA relevance)**

(2015/C 402/01)

On 17 November 2015, 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 English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32015M7766. 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.7811 — Koch Industries/BDT Capital Partners/Truck-Lite)****(Text with EEA relevance)**

(2015/C 402/02)

On 27 November 2015, 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 English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32015M7811. 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

## COUNCIL

**Notice for the attention of persons and entities subject to the restrictive measures provided for in  
Council Decision 2013/255/CFSP and in Council Regulation (EU) No 36/2012 concerning restrictive  
measures in view of the situation in Syria**

(2015/C 402/03)

The following information is brought to the attention of the persons and entities designated in Annex I to Council Decision 2013/255/CFSP <sup>(1)</sup> and in Annex II to Council Regulation (EU) No 36/2012 <sup>(2)</sup> concerning restrictive measures in view of the situation in Syria.

The Council intends to amend the statement of reasons for Mr Emad Hamsho (listed as No 204 in Annex I to Decision 2013/255/CFSP and in Annex II to Regulation (EU) No 36/2012).

The person concerned is hereby informed that he may submit a request to the Council to obtain the intended statement of reason, before 18 December 2015, to the following address:

Council of the European Union  
General Secretariat  
DG C 1C  
Rue de la Loi/Wetstraat 175  
1048 Bruxelles/Brussel  
BELGIQUE/BELGIË

E-mail: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

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<sup>(1)</sup> OJ L 147, 1.6.2013, p. 14.

<sup>(2)</sup> OJ L 16, 19.1.2012, p. 1.

# EUROPEAN COMMISSION

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

3 December 2015

(2015/C 402/04)

### 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0671	CAD	Canadian dollar	1,4213
JPY	Japanese yen	131,58	HKD	Hong Kong dollar	8,2701
DKK	Danish krone	7,4584	NZD	New Zealand dollar	1,6038
GBP	Pound sterling	0,71220	SGD	Singapore dollar	1,5010
SEK	Swedish krona	9,2250	KRW	South Korean won	1 240,24
CHF	Swiss franc	1,0840	ZAR	South African rand	15,2736
ISK	Iceland króna		CNY	Chinese yuan renminbi	6,8273
NOK	Norwegian krone	9,1740	HRK	Croatian kuna	7,6358
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 733,44
CZK	Czech koruna	27,036	MYR	Malaysian ringgit	4,5088
HUF	Hungarian forint	310,93	PHP	Philippine peso	50,269
PLN	Polish zloty	4,2859	RUB	Russian rouble	72,2652
RON	Romanian leu	4,4585	THB	Thai baht	38,263
TRY	Turkish lira	3,0768	BRL	Brazilian real	4,0476
AUD	Australian dollar	1,4550	MXN	Mexican peso	17,6658
			INR	Indian rupee	71,1343

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

**Opinion of the Advisory Committee on restrictive agreements and dominant position at its meeting on 15 June 2015 concerning a preliminary draft decision relating to the Case AT.39563(1) — Retail Food Packaging**

**Rapporteur: Netherlands**

(2015/C 402/05)

1. The Advisory Committee agrees with the Commission that the anticompetitive conducts in the five cartels covered by the draft decision constitute agreements and/or concerted practices between undertakings within the meaning of Article 101 TFEU (and also within the meaning of Article 53(1) of the EEA Agreement in relation to the cartel in North West Europe ('NWE')).
  2. The Advisory Committee agrees with the Commission's assessment of the product and geographic scope of the agreements and/or concerted practices with respect to the five cartels.
  3. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision have participated in separate single and continuous infringements, concerning foam polystyrene plastic trays and, only in relation to NWE also rigid polypropylene plastic trays, within the meaning of Article 101 TFEU (and also within the meaning of Article 53(1) of the EEA Agreement in relation to NWE).
  4. The Advisory Committee agrees with the Commission that the agreements and/or concerted practices in the five cartels have as their object the restriction of competition within the meaning of Article 101 TFEU (and also within the meaning of Article 53(1) of the EEA Agreement in relation to NWE).
  5. The Advisory Committee agrees with the Commission that the agreements and/or concerted practices in the five separate cartels have been capable of appreciably affecting trade between the Member States of the EU and the contracting parties to the EEA Agreement (in relation to NWE).
  6. The Advisory Committee agrees with the Commission that the Commission has territorial jurisdiction to apply Article 101 TFEU (and Article 53(1) of the EEA Agreement in relation to NWE).
  7. The Advisory Committee agrees with the Commission's assessment of the duration of the infringements with respect to the five separate cartels.
  8. The Advisory Committee agrees with the Commission draft decision as regards the addressees of the decision with respect to the five separate cartels.
  9. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision with respect to the five separate cartels.
  10. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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**Opinion of the Advisory Committee on restrictive agreements and dominant position at its meeting on 22 June 2015 concerning a preliminary draft decision relating to the Case AT.39563(2) — Retail Food Packaging**

**Rapporteur: Netherlands**

(2015/C 402/06)

1. The Advisory Committee agrees with the Commission on the determination of the value of sales.
  2. The Advisory Committee agrees with the Commission on the periods to be taken into account for imposing the fines.
  3. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
  4. The Advisory Committee agrees with the Commission's assessment on the mitigating circumstances and ad hoc reductions applicable in this case.
  5. The Advisory Committee agrees with the Commission on the reduction of fines based on the 2006 Leniency Notice.
  6. The Advisory Committee agrees with the Commission's assessment of the inability to pay request.
  7. The Advisory Committee agrees with the Commission on the final amounts of the fines.
  8. 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>****AT.39563 — Retail Food Packaging**

(2015/C 402/07)

**Introduction**

- (1) The Commission's investigation in this case concerned cartel infringements alleged to have taken place in, respectively, Italy, South-West Europe ('SWE') <sup>(2)</sup>, North-West Europe ('NWE') <sup>(3)</sup>, Central and Eastern Europe ('CEE') <sup>(4)</sup> and France with respect to certain types of trays used for the retail packaging of fresh food such as meat, poultry and fish.
- (2) The draft decision relates to five distinct cartels, each covering one of these territories. Each cartel concerned expanded and extruded foam polystyrene plastic trays (foam trays). The NWE cartel concerned in addition rigid polypropylene plastic trays (rigid trays). The undertakings found in the draft decision to have participated in one or more of the five cartels are: Linpac <sup>(5)</sup> (Italy, SWE, NWE, CEE and France); Ovarpack <sup>(6)</sup> (SWE); Vitembal <sup>(7)</sup> (Italy, SWE, NWE and France); Huhtamäki <sup>(8)</sup> (SWE, NWE and France); Sirap-Gema <sup>(9)</sup> (Italy, CEE and France); Coopbox <sup>(10)</sup> (Italy, SWE and CEE); Nespak <sup>(11)</sup> (Italy); Magic Pack <sup>(12)</sup> (Italy); Silver Plastics <sup>(13)</sup> (NWE and France); and Propack <sup>(14)</sup> (CEE, as regards Hungary only).

**Investigation phase**

- (3) The case stems from an application for immunity from fines submitted by Linpac. Following inspections carried out in June 2008, the Commission received six leniency applications.
- (4) On 16 July 2012, I received a request under Article 4(2)(d) of Decision 2011/695/EU from an undertaking seeking further information regarding the content, type and duration of the infringements alleged against it. The applicant explained that it was seeking investment and that the requested information was for the purposes of a detailed risk analysis.
- (5) Upon reviewing the information that the Directorate-General for Competition ('DG Competition') had provided to the applicant, I concluded that the applicant had already been sufficiently informed of the subject-matter and purpose of the investigation, within the meaning of Article 4(2)(d) of Decision 2011/695/EU. It is only upon receipt of the statement of objection ('SO') that the parties concerned are informed of all the objections made and the evidence used against them and are able to rely in full on their rights of defence. If such rights were in effect extended to the period before the SO, the effectiveness of the Commission's investigation would be undermined <sup>(15)</sup>.

<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) ('Decision 2011/695/EU').

<sup>(2)</sup> In the draft decision, the SWE infringement covers Portugal and Spain.

<sup>(3)</sup> In the draft decision, the NWE infringement covers Belgium, Denmark, Finland, Germany, Luxembourg, the Netherlands, Sweden and Norway.

<sup>(4)</sup> In the draft decision, the CEE infringement covers the Czech Republic, Hungary, Poland and Slovakia.

<sup>(5)</sup> The Linpac entities to whom the draft decision is addressed are: Linpac Group Ltd; Linpac Packaging Verona Srl; Linpac Packaging Ltd; Linpac Packaging Holdings SL; Linpac Packaging Pravia SA; Linpac Packaging GmbH; Linpac Packaging Polska Sp zoo; Linpac Packaging Hungária Kft; Linpac Packaging Spol. sro; Linpac Packaging sro; Linpac France SAS and Linpac Distribution SAS.

<sup>(6)</sup> Ovarpack Embalagens SA.

<sup>(7)</sup> The Vitembal entities to whom the draft decision is addressed are: Vitembal Holding SAS; Vitembal Société Industrielle SAS; Vitembal GmbH Verpackungsmittel; and Vitembal España SL.

<sup>(8)</sup> The (current or former) Huhtamäki entities to whom the draft decision is addressed are: Huhtamäki Oyj; Huhtamäki Flexible Packaging Germany GmbH & Co. KG; ONO Packaging Portugal SA (formerly called Huhtamäki Embalagens Portugal SA); and Coveris Rigid (Auneau) France SA.

<sup>(9)</sup> The Sirap-Gema entities to whom the draft decision is addressed are: Italmobiliare SpA; Sirap Gema SpA; Petruzalek GmbH; Petruzalek Kft; Petruzalek sro; Petruzalek Spol. sro; and Sirap France SAS.

<sup>(10)</sup> The Coopbox entities to whom the draft decision is addressed are: Consorzio Cooperative di Produzione e Lavoro Sc (CCPL Sc); Coopbox Group SpA; Poliemme Srl; Coopbox Hispania Slu; and Coopbox Eastern sro.

<sup>(11)</sup> The Nespak entities to whom the draft decision is addressed are Group Guillin SA and Nespak SpA.

<sup>(12)</sup> Magic Pack Srl.

<sup>(13)</sup> The Silver Plastics entities to whom the draft decision is addressed are: Johannes Reifenhäuser Holding GmbH Co. KG; Silver Plastics GmbH & Co. KG; Silver Plastics GmbH; and Silver Plastics SARL.

<sup>(14)</sup> The Propack entities to whom the draft decision is addressed are Bunzl plc and Propack Kft.

<sup>(15)</sup> See, among others, judgment in *Dalmine v Commission*, C-407/04, EU:C:2007:53, paragraph 60.



**Statement of objections**

- (6) The Commission adopted a SO on 21 September 2012. This was notified to the addressees of the draft decision and a number of other entities between 28 September and 1 October 2012. When informed, after notification of the SO, that one of its addressees had ceased to exist and that its assets had been transferred to a successor entity, the Commission adopted and notified an appropriately revised SO to that successor entity. Since merely technical modifications to the original SO were involved, the revised SO was not notified to the other addressees of the SO.

**Time period for responding in writing to the SO**

- (7) DG Competition granted several parties extensions of the period initially set for responding in writing to the SO. I received no requests for further extensions.

**Access to file**

- (8) Access to the file took place by means of CD-ROM and, for some material, access at the Commission's premises. DG Competition dealt with some requests for additional access. I received no applications with respect to access to file.

**Access to other parties' replies to the SO**

- (9) At several stages of the proceedings, the Commission disclosed to the parties non-confidential versions of certain passages and annexes of other parties' replies to the SO. Some parties referred to such materials during the oral hearing. DG Competition allowed those parties that so requested time to submit written comments after the oral hearing on materials received before it. The parties to whom the Commission disclosed additional material after the oral hearing had the opportunity to comment in writing on that material.

**Oral hearing**

- (10) The oral hearing took place over three days, from 10 to 12 June 2013. All but one of the undertakings concerned by the SO participated. I rejected an application from that one undertaking — which specifically confirmed that it had not requested to be heard orally — to be admitted to the oral hearing as an observer. The applicable rules do not foresee, in such circumstances, the possibility for an addressee of a SO to attend, as an observer, the oral hearing of other addressees that have requested to be heard orally.

**The draft decision**

- (11) After hearing the addressees of the SO, the Commission dropped its objections against two undertakings. It also reduced the scope of the liability of several others in comparison with the preliminary assessment contained in the SO.
- (12) In relation to Italy, the six undertakings concerned are held liable for infringements of shorter duration than those alleged in the SO. In relation to SWE, the periods for which liability is imposed have been reduced compared to the Commission's objections for four of the five undertakings concerned. All undertakings held liable for the NWE cartel have seen the duration of their infringement reduced in comparison with the preliminary assessment in the SO. As regards CEE, four of the five undertakings concerned are liable for infringements of shorter duration than those set out in the SO. With respect to the cartel in France, all undertakings held liable are found to have participated in an infringement for shorter periods than those alleged in the SO.
- (13) 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 its views. I conclude that it does so.
- (14) Overall, I conclude that all parties have been able to effectively exercise their procedural rights in this case.

Brussels, 22 June 2015

Wouter WILS

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## Summary of Commission Decision

of 24 June 2015

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.39563 — Retail food packaging)

(notified under document C(2015) 4336)

(Only the German, English, French and Italian texts are authentic)

(2015/C 402/08)

On 24 June 2015, 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) On 24 June 2015, the European Commission adopted a decision addressed to 41 legal entities for infringing Article 101 of the Treaty on the Functioning of the European Union and, for some of the addressees, also of Article 53 of the EEA Agreement (the 'Decision'). The Decision concerns five separate cartels, concerning polystyrene plastic trays ('foam trays') and, in respect of one of the cartels, also polypropylene plastic trays ('rigid trays')<sup>(2)</sup>, used for retail packaging of fresh food such as meat, poultry, fruits and fish.
- (2) The Decision is addressed to (i) Linpac<sup>(3)</sup>, (ii) Vitembal<sup>(4)</sup>, (iii) Coopbox<sup>(5)</sup>, (iv) Sirap-Gema<sup>(6)</sup>, (v) Silver Plastics<sup>(7)</sup>, (vi) Huhtamäki<sup>(8)</sup>, (vii) Nespak<sup>(9)</sup>, (viii) Magic Pack<sup>(10)</sup>, (ix) Propack<sup>(11)</sup> and (x) Ovarpack<sup>(12)</sup>.

### 2. CASE DESCRIPTION

#### 2.1. Procedure

- (3) Following an immunity application by Linpac under the Leniency Notice, the Commission carried out unannounced inspections from 4 to 6 June 2008 at the premises of several manufacturers of trays for food packaging in various Member States.
- (4) Following the inspections, the Commission received applications for a reduction of the fines under the Leniency Notice from Vitembal, Sirap-Gema, Coopbox, Ovarpack, Silver Plastics and Magic Pack. During the investigation, the Commission sent several requests for information pursuant to Article 18 of Regulation (EC) No 1/2003 or point 12 of the Leniency Notice to the parties involved.
- (5) On 21 September 2012, the Commission adopted a Statement of Objections against the addressees of the Decision. All the addressees submitted a reply to the Statement of Objections and participated in an oral hearing which took place from 10 to 12 June 2013.
- (6) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 15 June 2015. The Commission adopted the Decision on 24 June 2015.

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

<sup>(2)</sup> Only as regards the cartel in North-West Europe (see below).

<sup>(3)</sup> LINPAC Group Ltd, LINPAC Packaging Verona Srl, LINPAC Packaging Holdings SL, LINPAC Packaging Pravia SA, LINPAC Packaging GmbH, LINPAC Packaging Polska Sp zoo, LINPAC Packaging Kereskedelmi Korlátolt Felelősségű Társaság, LINPAC Packaging Spol Sro, LINPAC Packaging Sro, LINPAC France SAS and LINPAC Distribution SAS.

<sup>(4)</sup> VITEMBAL HOLDING SAS, VITEMBAL SOCIETE INDUSTRIELLE SAS, VITEMBAL GmbH Verpackungsmittel and VITEMBAL España, SL.

<sup>(5)</sup> CCPL Sc, Coopbox Group SpA, Poliemme Srl, Coopbox Hispania Slu and Coopbox Eastern sro.

<sup>(6)</sup> Italmobiliare SpA, Sirap-Gema SpA, Petruzalek GmbH, Petruzalek Kft., Petruzalek sro, Petruzalek Spol. sro and Sirap France SAS.

<sup>(7)</sup> Johannes Reifenhäuser Holding GmbH & Co. KG, Silver Plastics GmbH & Co. KG, Silver Plastics GmbH and Silver Plastics SARL.

<sup>(8)</sup> Huhtamäki Oyj, Huhtamäki Flexible Packaging Germany GmbH & Co. KG and COVERIS RIGID (AUNEAU) FRANCE SAS. In addition ONO PACKAGING PORTUGAL SA is an addressee of the Decision insofar as it is the legal successor of Huhtamäki Embalagens Portugal SA.

<sup>(9)</sup> GROUPE GUILLIN SA and NESPAK SpA.

<sup>(10)</sup> Magic Pack Srl.

<sup>(11)</sup> Bunzl plc and Propack Kft.

<sup>(12)</sup> Ovarpack Embalagens SA.

## 2.2. Summary of the infringements

- (7) The Decision concerns five distinct cartels which each took place in a different geographical region within the EEA, namely Italy, South-West Europe ('SWE' covering Spain and Portugal), France, Central-Eastern Europe ('CEE' covering Poland, Slovakia, Czech Republic and Hungary) and North-West Europe ('NWE' covering Belgium, Denmark, Finland, Germany, Luxembourg, the Netherlands, Norway and Sweden). The cartels were undertaken by manufacturers of trays and, in relation to SWE and CEE, also by distributors. The table below illustrates the overall duration of each cartel as well as the participation of the undertakings in the cartels <sup>(1)</sup>.

Cartel and duration Companies	Italy 18 June 2002-17 Dec. 2007	SWE 2 Mar. 2000-13 Feb. 2008	NWE 13 June 2002-29 Oct. 2007	France 3 Sept. 2004-24 Nov. 2005	CEE 5 Nov. 2004-24 Sept. 2007
Linpac	✓	✓	✓	✓	✓
Vitembal	✓	✓	✓	✓	
Huhtamäki		✓	✓	✓	
Sirap-Gema	✓			✓	✓
Coopbox	✓	✓			✓
Nespak	✓				
Magic-Pack	✓				
Silver Plastics			✓	✓	
Ovarpack		✓			
Propack					✓

- (8) Although the cartels concerned the same product, to a certain extent involved some of the same participants and took place in partially overlapping time periods, the objective elements and the evidence linking the anticompetitive behaviour of the parties across all five regions are in this case not sufficient to establish that the undertakings were pursuing one overall plan to distort competition at EEA level or in more than one of the five regions. Therefore, the illegal practices undertaken in the five regions are considered as five separate cartels. However, in light of the similarities between the cartels, the Commission has treated the five cartels in one single administrative procedure for reasons of administrative effectiveness and expediency.
- (9) With some differences between the five cartels, the cartel participants participated in bilateral and multilateral meetings and contacts aimed at restricting competition by fixing prices, agreeing on customer allocation and market sharing, exchanging price sensitive information and bid-rigging <sup>(2)</sup>. The main objectives of the anticompetitive arrangements were to maintain high prices, to pass on the rising price of raw material in a coordinated manner and to preserve the status quo with regard to the historically allocated clients and markets. The distributors, Ovarpack and Propack, actively participated in some of the anticompetitive practices and enabled their implementation and monitoring.

## 2.3. Addressees

- (10) The following entities are held liable, for the periods indicated, for a single and continuous infringement of Article 101 of the Treaty in the geographical area indicated <sup>(3)</sup>. Some of the entities listed are liable as direct participants, others as parent companies of directly participating entities and others again as both direct participants and parents of directly participating entities.

<sup>(1)</sup> The indicated overall duration of the cartels does not automatically correspond to the duration of individual participation of the undertaking listed and tagged. The period of participation of each undertaking is specified under Sections 2.3 and 2.4.1, point 15.

<sup>(2)</sup> There were no instances of bid-rigging in the cartels in SWE and NWE and no customer allocation or market sharing in the cartel in NWE.

<sup>(3)</sup> The NWE cartel also constitutes an infringement of Article 53 of the EEA Agreement.

*Italy:*

- (a) LINPAC Packaging Verona Srl and LINPAC Group Ltd (only as a parent), from 18 June 2002 to 17 December 2007;
- (b) Sirap-Gema SpA and Italmobiliare SpA (only as a parent), from 18 June 2002 to 17 December 2007;
- (c) Nespak SpA and Groupe Guillin SA (only as a parent), from 7 October 2003 to 6 September 2006;
- (d) Vitembal Holding SAS from 5 July 2002 to 17 December 2007;
- (e) Magic Pack Srl from 13 September 2004 to 7 March 2006;
- (f) Poliemme Srl from 18 June 2002 to 29 May 2006, Coopbox Group SpA and CCPL Sc, from 18 June 2002 to 17 December 2007.

*SWE:*

- (g) LINPAC Packaging Pravia SA from 2 March 2000 to 26 September 2007, LINPAC Packaging Holdings SL and LINPAC Group Ltd (only as a parent), from 2 March 2000 to 13 February 2008;
- (h) Vitembal España, SL <sup>(1)</sup> and Vitembal Holding SAS, from 7 October 2004 to 25 July 2007;
- (i) Coopbox Hispania Slu from 2 March 2000 to 13 February 2008, CCPL Sc (only as a parent) from 26 June 2002 to 13 February 2008;
- (j) ONO Packaging Portugal SA and Huhtamäki Oyj (only as a parent), from 7 December 2000 to 18 January 2005 <sup>(2)</sup>;
- (k) Ovarpack Embalagens SA, from 7 December 2000 to 12 January 2005 and from 25 October 2007 to 13 February 2008.

*NWE:*

- (l) LINPAC Packaging GmbH and LINPAC Group Ltd (only as a parent), from 13 June 2002 to 29 October 2007;
- (m) Vitembal GmbH Verpackungsmittel and Vitembal Holding SAS (only as a parent), from 13 June 2002 to 12 March 2007;
- (n) Huhtamäki Flexible Packaging Germany GmbH & Co. KG from 13 June 2002 to 20 June 2006, Huhtamäki Oyj (only as a parent) from 1 January 2003 to 20 June 2006;
- (o) Silver Plastics GmbH, Silver Plastics GmbH & Co. KG and Johannes Reifenhäuser Holding GmbH & Co. KG (only as a parent), from 13 June 2002 to 29 October 2007.

*CEE:*

- (p) LINPAC Packaging Polska Sp zoo, LINPAC Packaging Kereskedelmi Korlátolt Felelősségű Társaság, LINPAC Packaging Spol Sro, LINPAC Packaging Sro, LINPAC Packaging GmbH and LINPAC Group Ltd (only as a parent), from 5 November 2004 to 24 September 2007;
- (q) Petruzalek GmbH, Petruzalek Kft., Petruzalek sro, Petruzalek Spol. sro, Sirap-Gema SpA and Italmobiliare SpA (only as a parent), from 5 November 2004 to 24 September 2007;
- (r) Coopbox Eastern sro from 5 November 2004 to 24 September 2007, CCPL Sc (only as a parent) from 8 December 2004 to 24 September 2007.
- (s) Propack Kft. from 13 December 2004 to 15 September 2006, Bunzl plc (only as a parent) from 1 July 2005 to 15 September 2006. Propack Kft. and Bunzl plc are liable for the infringement insofar as it relates to Hungary.

<sup>(1)</sup> The Commission refrained from imposing any fine on Vitembal España, SL as this entity was put into judicial liquidation.

<sup>(2)</sup> ONO PACKAGING PORTUGAL SA and Huhtamäki Oyj were not imposed fines due to the expiry of the limitation periods for the imposition of penalties laid down in Article 25 of Regulation (EC) No 1/2003.

France:

- (t) LINPAC France SAS, LINPAC Distribution SAS and Linpac Group Ltd (only as a parent), from 3 September 2004 to 24 November 2005;
- (u) Sirap France SAS, Sirap-Gema SpA and Italmobiliare SpA (only as a parent), from 3 September 2004 to 24 November 2005;
- (v) Vitembal Societe Industrielle SAS <sup>(1)</sup> and Vitembal Holding SAS, from 3 September 2004 to 24 November 2005;
- (w) Coveris Rigid (Auneau) France SAS and Huhtamäki Oyj (only as a parent), from 3 September 2004 to 24 November 2005;
- (x) Silver Plastics SARL, Silver Plastics GmbH (only as a parent) and Johannes Reifenhäuser Holding GmbH & Co. KG (only as a parent), from 29 June 2005 to 5 October 2005.

#### 2.4. Remedies

- (11) The Decision applies the 2006 Guidelines on fines <sup>(2)</sup> and the 2006 Leniency Notice <sup>(3)</sup>.

##### 2.4.1. Basic amount of the fine

- (12) The basic amount of the fines imposed on the undertakings was set by reference to each undertaking's value of sales of the cartelised products made in the relevant geographic area during the last full business year of its participation in the cartel. For each of the five cartels, this includes all sales within the concerned region of foam trays for retail food packaging. For the NWE cartel, it also includes rigid trays. Since the duration of the cartel in France does not stretch to cover a 'full business year', the Commission established the value of sales by reference to the average annual sales for the period 2004-05 (a sum of the value of sales made in 2004 and 2005 divided by two). The Commission took this annual average value of sales as a proxy value of sales for the fines calculation.
- (13) For the distributors, the Commission's calculation is based on the value of the distribution/service fee charged in respect of the cartelised product, that is to say, the distributor's gross margin. This calculation method ensures that there is no risk of double-counting of the sales made by other cartel participants via the distributors involved in the cartel.
- (14) When setting the percentage for the variable amount of the fine ('gravity percentage') and the additional amount to deter undertakings from entering into cartel practices ('entry fee'), the Commission considered the nature of the infringements and the fact that each infringement was composed of several elements (price fixing, market sharing, exchange of sensitive information, etc.). On this basis, the Commission set a gravity percentage and an entry fee of 16 % for all undertakings in each of the cartels. In cases where an addressee was solely liable for parts of the infringement and, together with its parent company, jointly and severally liable for the remainder of the infringement, the Commission applied the entry fee only in respect of the part of the fine for which it established joint and several liability.
- (15) For each undertaking and each cartel, the amount resulting from the application of the gravity percentage was multiplied by the number of years of participation in the infringement, rounded down on a monthly basis. This led to the following multipliers for duration of participation:

Undertaking	Italy	SWE	NWE	CEE	France
Linpac	5,5	7,91	5,33	2,83	1,16
Vitembal	5,41	2,75	4,75		1,16
Sirap-Gema	5,5			2,83	1,16
Coopbox	5,5	5,58		2,75	

<sup>(1)</sup> The Commission refrained from imposing any fine on Vitembal SOCIETE INDUSTRIELLE SAS as this entity was put into judicial liquidation.

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

<sup>(3)</sup> OJ C 298, 8.12.2006, p. 17.

Undertaking	Italy	SWE	NWE	CEE	France
Coopbox Hispania Slu <sup>(1)</sup>		2,25, 2			
Coopbox Eastern sro <sup>(1)</sup>				0,08	
Poliemme Srl <sup>(1)</sup>	0,33, 0,91				
Silver Plastics			5,33		0,25
Magic Pack	1,41				
Nespak	2,91				
Huhtamäki			3,41		1,16
Huhtamaki Flexible Packaging Germany GmbH & Co KG <sup>(1)</sup>			0,5		
Propack					
Propack Kft. <sup>(1)</sup>				0,5	
Bunzl plc <sup>(1)</sup>				1,16	
Ovarpack		0,25			

<sup>(1)</sup> Period of sole liability.

#### 2.4.2. Adjustments to the basic amount

- (16) The Commission did not apply an increase in the basic amounts on account of aggravating circumstances. However, the Commission granted a reduction of 5 % to Magic Pack in relation to the cartel in Italy and to Silver Plastics in relation to the cartel in France due to their substantially limited involvement in those cartels. Silver Plastics was also granted a 5 % reduction for the fines imposed with regard to its participation in the cartel in NWE on account of its effective cooperation outside the scope of the Leniency Notice.

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

- (17) The individual amounts of the fines (prior to the application of the 2006 Leniency Notice) with regard to each cartel do not exceed 10 % of the worldwide 2014 turnovers of each undertaking involved in that cartel.
- (18) In addition, it is noted that none of the undertakings involved in more than one cartel were exposed to final fines which on accumulation exceeded 10 % of their worldwide turnover.

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

- (19) Linpac was the first undertaking to submit information and evidence meeting the conditions of point 8(a) of the 2006 Leniency Notice with regard to all five cartels. The fines to be imposed on Linpac were reduced by 100 %. The leniency reductions granted to the other undertakings in relation to each cartel are summarised in the table below.

	CEE	France	Italy	NWE	SWE
Linpac	100 %	100 %	100 %	100 %	100 %
Vitembal	—	50 %	45 %	50 %	45 %
Sirap-Gema	50 %	30 %	30 %	—	—

	CEE	France	Italy	NWE	SWE
Coopbox	30 %	—	20 %	—	30 %
Silver Plastics	—	10 %	—	—	—
Magic Pack	—	—	10 %	—	—
Ovarpack	—	—	—	—	20 %

- (20) The Commission concluded that Silver Plastic's leniency application with regard to the NWE cartel did not qualify for a reduction of fines under the 2006 Leniency Notice <sup>(1)</sup>.

#### 2.4.5. Reduction of fines due to lapse of time

- (21) The Commission granted an exceptional 5 % reduction of the fine to each of the addressees in each cartel to reflect the considerable duration of the proceeding and the special circumstances of this case. The reduction was applied after the application of the 10 % turnover limit in order to ensure that it had an impact on the fines imposed on all addressees.

#### 2.4.6. Inability to pay

- (22) Three undertakings invoked their inability to pay under point 35 of the 2006 Fining Guidelines. Based on an analysis of the undertakings' individual financial situations and the specific social and economic context, the Commission reduced the fines imposed on two of the three undertakings and rejected the claim from the third undertaking.

### 3. CONCLUSION

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

For the infringement related to Italy:

- (1) LINPAC Packaging Verona Srl and LINPAC Group Ltd, jointly and severally: EUR 0;
- (2) Sirap-Gema SpA and Italmobiliare SpA, jointly and severally: EUR 29 738 000;
- (3) Nespak SpA and Groupe Guillin SA, jointly and severally: EUR 4 996 000;
- (4) VITEMBAL HOLDING SAS: EUR 295 000;
- (5) Magic Pack Srl: EUR 3 263 000;
- (6) Poliemme Srl: EUR 321 000;
- (7) Poliemme Srl, Coopbox Group SpA and CCPL Sc, jointly and severally: EUR 10 382 000;
- (8) Coopbox Group SpA and CCPL Sc, jointly and severally: EUR 11 434 000.

For the infringement related to SWE:

- (9) LINPAC Packaging Pravia SA: EUR 0;
- (10) LINPAC Packaging Holdings SL, LINPAC Group Ltd and LINPAC Packaging Pravia SA, jointly and severally: EUR 0;
- (11) VITEMBAL HOLDING SAS: EUR 295 000;
- (12) Coopbox Hispania Slu and CCPL Sc, jointly and severally: EUR 9 660 000;
- (13) Coopbox Hispania Slu: EUR 1 295 000;
- (14) Ovarpack Embalagens SA: EUR 67 000.

<sup>(1)</sup> As stated in paragraph 16 above, Silver Plastic was however granted a reduction for its cooperation outside the Leniency notice.

For the infringement related to NWE:

- (15) LINPAC Packaging GmbH and LINPAC Group Ltd, jointly and severally: EUR 0;
- (16) VITEMBAL GmbH Verpackungsmittel and VITEMBAL HOLDING SAS, jointly and severally: EUR 265 000;
- (17) Huhtamaki Flexible Packaging Germany GmbH & Co. KG and Huhtamäki Oyj, jointly and severally: EUR 10 727 000;
- (18) Huhtamaki Flexible Packaging Germany GmbH & Co. KG: EUR 79 000;
- (19) Silver Plastics GmbH, Silver Plastics GmbH & Co. KG and Johannes Reifenhäuser Holding GmbH & Co. KG, jointly and severally: EUR 20 317 000.

For the infringement related to CEE:

- (20) LINPAC Packaging Polska Sp zoo, LINPAC Packaging Kereskedelmi Korlátolt Felelősségű Társaság, LINPAC Packaging Spół Sro, LINPAC Packaging Sro, LINPAC Packaging GmbH and LINPAC Group Ltd, jointly and severally: EUR 0;
- (21) Petruzalek GmbH, Petruzalek Kft., Petruzalek sro, Petruzalek Spol. sro, Sirap-Gema SpA and Italmobiliare SpA, jointly and severally: EUR 943 000;
- (22) Coopbox Eastern sro and CCPL Sc, jointly and severally: EUR 591 000;
- (23) Coopbox Eastern sro: EUR 11 000.
- (24) Propack Kft. and Bunzl plc, jointly and severally: EUR 53 000;
- (25) Propack Kft.: EUR 12 000.

For the infringement related to France:

- (26) LINPAC France SAS, LINPAC Distribution SAS and Linpac Group Ltd, jointly and severally: EUR 0;
  - (27) Sirap France SAS, Sirap-Gema SpA and Italmobiliare SpA, jointly and severally: EUR 5 207 000;
  - (28) VITEMBAL HOLDING SAS: EUR 265 000;
  - (29) COVERIS RIGID (AUNEAU) FRANCE SAS and Huhtamäki Oyj, jointly and severally: EUR 4 756 000;
  - (30) Silver Plastics SARL, Silver Plastics GmbH and Johannes Reifenhäuser Holding GmbH & Co. KG, jointly and severally: EUR 893 000.
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## NOTICES FROM MEMBER STATES

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

(2015/C 402/09)

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	11.10.2015
Duration	11.10 – 31.12.2015
Member State	Portugal
Stock or Group of stocks	MAC/8C3411
Species	Mackerel ( <i>scomber scombrus</i> )
Zone	VIIIc, IX and X; Union waters of CECAF 34.1.1
Type(s) of fishing vessels	—
Reference number	59/TQ104

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

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

(2015/C 402/10)

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	14.10.2015
Duration	14.10 – 31.12.2015
Member State	Spain
Stock or Group of stocks	GFB/567-
Species	Greater forkbeard ( <i>Phycis blennoides</i> )
Zone	Union and international waters of V, VI and VII
Type(s) of fishing vessels	—
Reference number	61/DSS

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

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

(2015/C 402/11)

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

Date and time of closure	17.10.2015
Duration	17.10–31.12.2015
Member State	Belgium
Stock or Group of stocks	SRX/67AKXD
Species	Skates and rays ( <i>Rajiformes</i> )
Zone	Union waters of VIa, VIb, VIIa-c and VIIe-k
Type(s) of fishing vessels	—
Reference number	62/TQ104

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

## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

EUROPEAN COMMISSION

**Prior notification of a concentration**

**(Case M.7838 — DSV/UTi Worldwide)**

**Candidate case for simplified procedure**

**(Text with EEA relevance)**

(2015/C 402/12)

1. On 26 November 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking DSV A/S ('DSV', Denmark) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking UTi Worldwide ('UTiW', British Virgin Islands) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - DSV is a global freight forwarding and logistics company active in road/land, air and sea freight-forwarding services as well as logistics solutions services in approximately 75 countries,
  - UTiW is an international supply chain services and solutions company that provides freight forwarding and contract logistics and distribution services in approximately 60 countries.
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 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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7838 — DSV/UTi Worldwide, 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.

**Prior notification of a concentration**  
**(Case M.7827 — Berkshire Hathaway/Precision Castparts)**

(Text with EEA relevance)

(2015/C 402/13)

1. On 27 November 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Berkshire Hathaway Inc. ('Berkshire Hathaway', USA) acquires with the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Precision Castparts Corp. ('PCC', USA) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Berkshire Hathaway: holding company owning subsidiaries active in diverse business activities, including insurance and reinsurance, utilities and energy, freight rail transportation, finance, manufacturing, retailing and services,
- PCC: worldwide manufacturer of complex metal components and products serving the aerospace, power, and general industrial markets.

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.7827 — Berkshire Hathaway/Precision Castparts, 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').

**Prior notification of a concentration****(Case M.7814 — ENGIE/SOPER/LCV/CDC/CEOLCBH60/CEOLCHA51/CEOLAUX89)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2015/C 402/14)

1. On 27 November 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the Caisse des Dépôts et Consignations ('CDC') acquires within the meaning of Article 3(1)(b) of the Merger Regulation joint control of CEOLCBH60, CEOLCHA51, CEOLAUX89 ('the companies') controlled by La Compagnie du Vent ('LCV'), ultimately controlled by ENGIE and SOPER, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - ENGIE is a global energy player incorporated in France. It is active in the sectors of energy services, more precisely electricity and natural gas, across the entire value chain, comprising production and distribution. ENGIE holds 59 % of LCV's shares,
  - SOPER is stock company and incorporated under French law. It is a holding company whose only activity consists on the ownership of 41 % of shares of LCV. SOPER had no turnover in 2014,
  - LCV is incorporated under French law and is active in the sector of renewable wind and photovoltaic energy. Its activities consist on the localisation, planning and development of wind and photovoltaic energy sites. In the EEA, LCV is only active in France. ENGIE holds 59 % of shares in LCVs capital, the remaining 41 % being held by SOPER. In turn, LCV holds 100 % of shares in the companies subject to the transaction,
  - CDC is a French public sector institution. Historically it has acted with the French authorities to advance the country's economic and social development and the modernisation of the financial sector. Today it is a financial group and fund manager carrying out both public sector projects and open market activities,
  - CEOLCBH60, CEOLCHA51, CEOLAUX89 are companies incorporated in France and active in the development, construction and commercialisation of wind farms. They each own one wind farm in France and are wholly owned by LCV.
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 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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7814 — ENGIE/SOPER/LCV/CDC/CEOLCBH60/CEOLCHA51/CEOLAUX89, 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.

## OTHER ACTS

## EUROPEAN COMMISSION

**Notice for the attention of Emrah Erdogan which was added to the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network, by virtue of Commission Regulation (EU) 2015/2245**

(2015/C 402/15)

1. Common Position 2002/402/CFSP<sup>(1)</sup> calls upon the Union to freeze the funds and economic resources of the members of the Al-Qaida organisation and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267(1999) and 1333(2000) to be updated regularly by the UN Committee established pursuant to UNSCR 1267(1999).

The list drawn up by this UN Committee comprises:

- Al Qaida;
- natural or legal persons, entities, bodies and groups associated with Al Qaida; and
- legal persons, entities and bodies owned or controlled by, or otherwise supporting, any of these associated persons, entities, bodies and groups.

Acts or activities indicating that an individual, group, undertaking, or entity is 'associated with' Al-Qaida include:

- (a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of Al Qaida, or any cell, affiliate, splinter group or derivative thereof;
- (b) supplying, selling or transferring arms and related materiel to any of them;
- (c) recruiting for any of them; or
- (d) otherwise supporting acts or activities of any of them.

2. The UN Security Council approved on 30 November 2015 the addition of Emrah Erdogan to the Al-Qaida Sanctions Committee's list.

Emrah Erdogan may submit at any time a request to the UN Ombudsperson, together with any supporting documentation, for the decision to include them in the UN list referred to above, to be reconsidered. Such request should be sent to the following address:

United Nations - Office of the Ombudsperson  
Room TB-08041D  
New York, NY 10017  
UNITED STATES OF AMERICA  
Tel. +1 2129632671  
Fax +1 2129631300/3778  
E-mail: ombudsperson@un.org

See for more information at <http://www.un.org/sc/committees/1267/delisting.shtml>

<sup>(1)</sup> OJ L 139, 29.5.2002, p. 4.

3. Further to the UN decision referred to in paragraph 2, the Commission has adopted Regulation (EU) 2015/2245 <sup>(1)</sup>, which amends Annex I to Council Regulation (EC) No 881/2002 <sup>(2)</sup> imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network. The amendment, made pursuant to Article 7(1)(a) and 7a(1) of Regulation (EC) No 881/2002, adds Emrah Erdogan to the list in Annex I of that Regulation ('Annex I').

The following measures of Regulation (EC) No 881/2002 apply to the individuals and entities included in Annex I:

- (1) the freezing of all funds and economic resources belonging to the individuals and entities concerned, or owned or held by them, and the prohibition (on everyone) on making funds and economic resources available to any of the individuals and entities concerned or for their benefit, whether directly or indirectly (Articles 2 and 2a); and
- (2) the prohibition on granting, selling, supplying or transferring technical advice, assistance or training related to military activities to any of the individuals and entities concerned, whether directly or indirectly (Article 3).

4. Article 7a of Regulation (EC) No 881/2002 provides for a review process where observations on the grounds for listing are submitted by those listed. Individuals and entities added to Annex I by Regulation (EU) 2015/2245 may make a request for the grounds for their listing to the Commission. This request should be sent to:

European Commission  
'Restrictive measures'  
Rue de la Loi/Wetstraat 200  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

5. The attention of the individuals and entities concerned is also drawn to the possibility of challenging Regulation (EU) 2015/2245 before the General Court of the European Union, in accordance with the conditions laid down in the fourth and sixth paragraphs of Article 263 of the Treaty on the Functioning of the European Union.

6. For good order, the attention of the individuals and entities included in Annex I is drawn to the possibility of making an application to the competent authorities in the relevant Member State(s), as listed in Annex II to Regulation (EC) No 881/2002, in order to obtain an authorisation to use frozen funds and economic resources for essential needs or specific payments in accordance with Article 2a of that Regulation.

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<sup>(1)</sup> OJ L 318, 4.12.2015, p. 26.

<sup>(2)</sup> OJ L 139, 29.5.2002, p. 9.











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