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⁽¹⁾ Text with EEA relevance.

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN COMMISSION

COMMISSION RECOMMENDATION

of 24 July 2018

on Guidelines on equal treatment and transparency criteria to be applied by ENTSO-E and ENTSOG when developing their TYNDPs as set out in Annex III 2(5) of Regulation (EU) No 347/2013 of the European Parliament and of the Council

(2018/C 265/01)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 thereof,

Having regard to Annex III 2(5) to Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 ⁽¹⁾ ('TEN-E Regulation')

Whereas:

- (1) The 10-year network development plan ('TYNDP') for electricity and the TYNDP for gas are non-binding, Union-wide documents developed and published every two years by the European Network of Transmission System Operators for electricity ('ENTSO-E') and the European Network of Transmission System Operators for gas ('ENTSOG') respectively with the aim to assess, in accordance with all legal requirements, how all relevant European projects contribute to the improvement of the European electricity and gas systems,
- (2) The TEN-E Regulation, requires the inclusion of candidate electricity and gas projects in the relevant TYNDP as a pre-condition for their submission as a candidate for inclusion in the Union-wide lists of Projects of Common Interest.
- (3) The TEN-E Regulation requires the European Commission to issue guidelines on criteria to be applied by ENTSO-E and ENTSOG when developing their respective TYNDPs, in order to ensure equal treatment and transparency of the process.
- (4) The Commission has prepared this non-binding guidance on the key principles that should be respected and aspects that should be addressed in the practical implementation documents that are adopted and used by ENTSO-E and ENTSOG when preparing their respective TYNDPs

HAS ADOPTED THIS RECOMMENDATION:

1. The European Networks of Transmission System Operators for Electricity (ENTSO-E) and Gas (ENTSOG) should follow the legally non-binding guidelines in the Annex to this Recommendation. These guidelines should help ensure equal treatment and transparency of the process for the the development of the Ten Year Network Development Plans, as required by Annex III 2(5) to the TEN-E Regulation (Regulation (EU) No 347/2013).

⁽¹⁾ OJ L 115, 25.4.2013, p. 39.

2. This Recommendation shall be published in the *Official Journal of the European Union*.

Done at Brussels, 24 July 2018.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

ANNEX

1. INTRODUCTION

1.1. Objective of the Guidelines

The Commission Recommendation, 'Guidelines on equal treatment and transparency criteria to be applied by the European Network of Transmission System Operators for Electricity (ENTSO-E) and Gas (ENTSO-G) when developing their Ten-Year Network Development Plans ("TYNDPs")' (the Guidelines), responds to the provisions of Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 ('TEN-E Regulation')⁽¹⁾.

The TYNDPs for electricity and for gas are comprehensive and up-to-date European reference documents for the electricity and gas transmission networks. The TYNDPs are biennial documents which present an overview of the transmission expansion plans that are identified as necessary to ensure that the transmission grid facilitates EU energy policy goals. The TYNDPs act as a basis to derive the list of Projects of Common Interest (PCIs) in the electricity and gas sectors. Only gas and electricity projects that are in the TYNDPs can apply to become PCIs, and their assessment is based to a significant extent on the project specific cost benefit analyses provided by the TYNDPs.

The Guidelines explain the legal framework applying to the elaboration and adoption process of the TYNDPs. They aim at ensuring a fair, equal and transparent process for the inclusion of projects in the TYNDP by establishing a structure, content and principles that will ensure consistency between the two TYNDP processes and a uniform interpretation of the applicable principles and rules by the two ENTSOs. They provide a general framework for the adoption, revision and application of the practical implementation documents to be adopted and used by ENTSO-E and ENTSO-G, respectively, to ensure equal treatment and transparency within these exercises.

The development of these guidelines is required by Annex III 2(5) to the TEN-E Regulation concerning the process for establishing regional lists within the process of identification of Projects of Common Interest ('PCIs'): '... the Commission should issue Guidelines on criteria to be applied by the ENTSO for electricity and the ENTSO for gas when developing their respective 10-year network development plans referred to in points (3) and (4), in order to ensure equal treatment and transparency of the process.' The provisions regarding the TYNDP processes established under the Guidelines will be applicable to every project considered for inclusion in the respective TYNDP, regardless of the promoter's plans of having it submitted, or not, as candidate within the subsequent PCIs selection process.

These guidelines are not legally binding. All future methods, tools and timelines to be used by ENTSO-E and ENTSO-G within the processes of elaborating their TYNDPs should fully comply with the requirements of Regulations (EC) No 714/2009⁽²⁾ and (EC) No 715/2009⁽³⁾ of the European Parliament and of the Council, the TEN-E Regulation and the Guidelines.

1.2. Addressees

The Guidelines are addressed to the ENTSO for electricity and the ENTSO for gas. The criteria applied by the ENTSOs in accordance with this document will have an impact on:

- all project promoters which are planning to develop an electricity transmission infrastructure project that is entirely or in part situated in at least one country represented within ENTSO-E and is considered as of European relevance⁽⁴⁾ and to the storage promoters planning to develop electricity storage projects within the European Union and respect the technical limitations set in Annex II of the TEN-E Regulation or any equipment or installation essential for the system to operate safely, securely and efficiently.
- all project promoters which are planning to develop a gas infrastructure project of European relevance: gas transmission pipeline, underground storage facilities, reception and storage and regasification or decompression facilities for liquefied natural gas (LNG) or compressed natural gas (CNG) or any equipment or installation essential for the system to operate safely, securely and efficiently or to enable bidirectional capacity.

⁽¹⁾ OJ L 115, 25.4.2013, p. 39.

⁽²⁾ OJ L 211, 14.8.2009, p. 15.

⁽³⁾ OJ L 211, 14.8.2009, p. 36.

⁽⁴⁾ As set under Regulations (EC) No 714/2009 and (EC) No 715/2009: 'Viable electricity and gas transmission networks and necessary regional interconnections, relevant from a commercial or security of supply point of view, should be included in the network development plans.'

2. THE TEN-YEAR NETWORK DEVELOPMENT PLANS (TYNDPS)

2.1. Legal requirements

The TYNDP for electricity and the TYNDP for gas are prepared by ENTSO-E and ENTSOG respectively in accordance with the respective articles 8 of the Regulations (EC) No 714/2009 and (EC) No 715/2009. The non-binding Union-wide TYNDPs are adopted and published every two years and include the modelling of the integrated network, scenario development, a European generation adequacy outlook or a European supply adequacy outlook – according to the case, and an assessment of the resilience of the system.

The TYNDPs build on national investment plans, taking into account regional investment plans and, if appropriate, Union-aspects of network planning and are subject to a cost-benefit analysis using the methodology established, in accordance with the TEN-E Regulation. Regarding cross-border interconnections, the TYNDPs also build on the reasonable needs of different system users and integrate long-term commitments from investors and identify investment gaps, notably with respect to cross-border capacities.

Pursuant to Article 9(2) of Regulations (EC) No 714/2009 and (EC) No 715/2009 and Article 6(3)(b) of Regulation (EC) No 713/2009 of the European Parliament and of the Council⁽¹⁾, the Agency for the Cooperation of Energy Regulators ('the Agency') provides duly reasoned opinions on the draft TYNDPs, as well as recommendations to the ENTSOs, where it considers that the respective draft TYNDP does not contribute to non-discrimination, effective competition, the efficient and secure functioning of the internal markets or a sufficient level of cross-border interconnection open to third-party access.

The ENTSOs are legally required⁽²⁾ to conduct extensive consultation processes during the preparation of the TYNDPs. They must be conducted at an early stage and in an open and transparent manner, involving all relevant market participants, national regulatory authorities and other national authorities, supply and generation or production undertakings. They must identify the views and proposals of all relevant parties during the decision-making process. All documents and minutes of meetings related to the consultations are to be made public.

The TEN-E Regulation, under which the process of identification of PCIs is established, requires the inclusion of candidate electricity and gas projects into the TYNDP as a pre-condition in view of their inclusion in the Union-wide PCI lists⁽³⁾.

Finally, ENTSOG is legally required to ensure that there will be consistency and an alignment between the long-term gas quality monitoring outlooks published every two years and the TYNDP for gas under preparation at the same time. The stakeholders' consultation process used for the TYNDP has to be expanded to include gas quality as an item.

2.2. Principles to be respected by ENTSOs in the TYNDP process

In order to ensure equal treatment and transparency of the TYNDP processes and under the monitoring of the Agency as set in Article 9 of Regulations (EC) No 714/2009 and (EC) No 715/2009, ENTSO-E and ENTSOG should:

- organise for their electricity and gas TYNDPs transparent and non-discriminatory processes to identify and include all relevant European electricity infrastructure projects and gas infrastructure projects, respectively, indifferent of their promoter status (ENTSO or non-ENTSO Members).
- advertise the TYNDP processes, consult stakeholders at critical decision making milestones and about the drafts of the TYNDPs and make possible their engagement in the process. If the necessity arises and upon the ENTSOs' request, the relevant associations of stakeholders may be brought on an ad-hoc basis with an advisory role in the processes. The relevant associations of stakeholders may also be informed on a regular basis about the ongoing TYNDP processes;
- ensure transparency about the input and output data of the TYNDP processes in accordance with the CBA methodology, allowing, for instance any interested party to understand the assessment performed by the ENTSOs.
- ensure, from the project application to finalisation of the TYNDP, a fair and non-discriminatory access of project promoters to information regarding their project assessment, conducted in accordance with the CBA methodology.

⁽¹⁾ OJ L 211, 14.8.2009, p. 1.

⁽²⁾ Article 10 of Regulations (EC) No 714/2009 and (EC) No 715/2009.

⁽³⁾ Recital 21 and Annex III 2(3) and 2(4) of the TEN-E Regulation

In order to ensure consistency between the TYNDPs and the PCI selection process the ENTSOs should consult and inform regularly the Commission and the Agency on the TYNDPs processes, especially on the inclusion and project assessment. This will allow the ENTSOs to accommodate the Commission and the Agency's recommendations in due time for the respective final TYNDPs.

3. SUBMISSION OF PROJECTS FOR INCLUSION IN THE TYNDP

The TYNDPs for electricity and gas shall incorporate all European relevant electricity and gas infrastructure projects as set in the Regulation (EU) No 347/2013.

In order to ensure (1) a fair and non-discriminatory process for project inclusion in the TYNDPs, (2) the transparency of the process and (3) overall consistency of approaches, ENTSO-E and ENTSG should collect and validate all project applications in a timely manner, including:

- an application window of an adequate period of time to allow project promoters to submit the projects and the required information covering also all the relevant practical details for inclusion in the TYNDP; the start and end date of the application window will be advertised on the ENTSOs' websites; the same deadlines should be applied to all project promoters throughout the process. All project promoters should have access to the same information throughout the process and, if clarifications or additional information related to the overall process are requested by a certain promoter, the ENTSOs should also communicate it to all other project promoters for which this may be relevant.
- a verification period that should allow for sufficient time to ensure all applications contain reliable data considering comparable infrastructure projects (e.g. development stage and commissioning date) and that there is a mutual understanding about the project data between ENTSO-E or ENTSG and every project promoter;
- the publication on the respective ENTSO's website of the list of projects considered for inclusion in the TYNDP should be done within a reasonable period of time in order to ensure the transparency and early availability of the basic information identifying the projects;
- a public consultation of an adequate period of time to allow anyone interested to provide feedback on each draft TYNDP.

4. ENTSGS' PRACTICAL IMPLEMENTATION DOCUMENTS

In order to ensure the implementation of the Guidelines and for the principles listed above to be complied with, specific practical implementation documents are to be developed by ENTSO-E and ENTSG, aiming at providing project promoters with guidance on the procedural steps and necessary information to be submitted for inclusion of their project in the respective TYNDP.

These documents should be developed and adopted by the respective ENTSO after consulting the relevant stakeholders and taking in due account the Commission and Agency's recommendations.

In the following TYNDP processes, the revision and updates of the practical implementation documents may be initiated by the respective ENTSO after consulting with the Commission and the Agency or at the request of Commission.

As the inclusion of inappropriate project applications would affect the modelling of the electricity and gas networks, potentially putting at risk the timely adoption of the TYNDPs and the objective of transparency regarding the development of electricity and gas networks in the Union, foreseen by Recital 9 of Regulation (EC) No 714/2009 and by Recital 18 of Regulation (EC) No 715/2009, ENTSO-E and ENTSG should define in their practical implementation documents criteria for the inclusion or exclusion of submitted projects. All the projects to be accepted for inclusion in the TYNDP should meet these administrative and technical requirements described in the respective ENTSOs' practical implementation documents.

The practical implementation documents should briefly explain the TYNDP processes including the deadlines applying to each of the TYNDP steps, their link to the process of selection of PCIs and list the administrative and technical criteria to be fulfilled in order to allow a project to become part of the respective TYNDP. These criteria may be grouped in different categories and applied accordingly, depending on the type of project promoter, the type of infrastructure the respective project would implement, as well as on the status of advancement of the project, while ensuring the transparency of the process and equal treatment for all project promoters concerned. Promoters of projects already included in the previous TYNDPs must officially make a new re-submission for inclusion in the TYNDP under preparation. However, the inclusion of a particular project in the previous TYNDPs may allow for a simplified application process for the current TYNDPs, which is to be described in the ENTSOs' practical implementation documents.

The final decision on the inclusion of a project in the TYNDP Project List belongs to the competent ENTSO and any decision related to a rejection of a project's inclusion into the TYNDP should be duly substantiated.

4.1. **Administrative and technical criteria regarding project promoters and projects considered for inclusion in the TYNDP**

The administrative and technical criteria should be developed while taking into consideration the following aspects:

- Project promoters which are planning to develop an infrastructure project and have it included in the respective TYNDP should prove their credibility in terms of financial capability and technical expertise to implement the respective project by their own or by using subcontractors. Regardless of the different categories under which the promoters of the energy infrastructure projects fall, the TYNDP inclusion processes should be built upon administrative criteria which will ensure a fair and non-discriminatory treatment of any project promoter, while also ensuring that the soundness of the considered projects is proved.
- Depending on the advancement status of the project, project promoters should prove the soundness of the project considered for inclusion in the respective TYNDP and should bring evidence to allow for the assessment of its European relevance by the ENTSOs. Regardless of the different categories under which the promoters of the energy infrastructure projects fall, projects considered for inclusion in the TYNDPs should fulfil certain minimum technical criteria to be detailed in the respective ENTSOs practical implementation document. These technical requirements and corresponding minimum thresholds – if applicable – should be intended to ensure that the projects have a European relevance from a commercial or security of supply point of view.
- In terms of proving the soundness of the projects considered for inclusion in the TYNDP, the project promoters should be required to bring evidence with regards to the actions already taken in order to initiate and/or start the implementation of the respective project (e.g.: PCI status or inclusion in the last available National Development Plan or signed agreements between the ministries or regulators of the impacted countries or performance of pre-feasibility/feasibility studies etc.). The ENTSOs should ensure that, when requiring project promoters to prove their financial capability and technical expertise to implement a project or to prove the soundness of the respective project, the requirements would not be disproportionate for the different categories of project promoters. If applying different requirements is justified, the ENTSOs should ensure that a similar or correspondent level of detail and evidence is requested to all project promoters.

4.2. **Data handling**

4.2.1. *Data usage and public access to data*

The administrative documents provided by the project promoters during the submission phase and referring to their legal status, financial capability and technical expertise referred to in section 4.1.) should be solely used by the ENTSOs to ensure compliance with the administrative criteria defined in their practical implementation documents and should be treated as confidential by the ENTSOs, in line with their internal rules, unless already public.

The technical input provided by the project promoters and the assessed benefits of the projects assessed in accordance with the CBA methodology should be made public by the ENTSOs within the TYNDP processes.

The cost data submitted by the project promoters for the projects to be included in the TYNDPs will be made public by the ENTSOs. Derogations may apply if the data are declared confidential by the respective project promoters. Where applicable, these will be outlined in the ENTSOs practical implementation documents.

However, in the context of the PCI selection exercise, the Regional Groups established under the TEN-E Regulation should have access to all cost data submitted by the project promoters within the TYNDP processes.

Aggregated or general results of the assessment can be published by ENTSO-E and ENTSG or used during public events, in accordance with the practical implementation documents and their internal rules.

4.2.2. *Correction of input data*

In case the information and technical data submitted for a project are incorrect with respect to the Guidelines and the ENTSOs' practical implementation documents, the project promoter should be given the opportunity to report the corrected information to the respective ENTSO within the consistency check period by the deadline set in the ENTSOs' practical implementation documents and not later than the end of the TYNDP public consultation.

This window should envisage a clearly pre-established timeframe which should ensure sufficient time for the proper submission of the corrected information, as well as for any necessary exchange of information or clarifications between the competent ENTSO and the respective project promoter.

Should there be any inconsistencies in the information corrections, ENTSO-E and ENTSG respectively, should — as the case may be — debate and conclude with the project promoters, on the inclusion of the respective project in the TYNDP Project List. All ENTSO-E and ENTSG decisions about project information corrections should be motivated, at least with the reason for accepting or not accepting the requested changes, and shared with the concerned project promoters, the Commission and the Agency. If the inconsistencies may impact on the possible inclusion of a project in the TYNDP, the ENTSGs may consult the Commission and the Agency on the case before taking the decision.

Since projects continuously evolve in between the submission for inclusion in the TYNDP and the publication of the TYNDP, for sake of clarity, the TYNDPs should clearly define the date of validity of the TYNDP project data.

The manageable deadlines established with regards to the phase of correction of input data are not to jeopardize the timeline of the overall TYNDP process and should be clearly set in the ENTSGs' practical implementation documents.

4.2.3. *Promoters' access to assessment results and to TYNDP data*

Where relevant and in accordance with the CBA methodology, the ENTSGs should deliver to the project promoters in due advance of the draft TYNDP consultations the assessment results of their project. If it is requested, the project promoters should be given the opportunity to participate in a bilateral meeting with representatives of the respective ENTSG, in order for the promoter to better understand their project assessment results.

Beyond the results published in the TYNDP report, every project promoter is entitled to access more detailed information about its project, as far as it is available to ENTSO-E and ENTSG in the framework of the assessment process.

Furthermore, for equal treatment reasons, if requested, the competent ENTSG should make available as soon as technically possible and in due advance of the adoption of the TYNDP, the input data and output data, if requested by the project promoter, to explain in detail the assessment (including the market and network modelling assumptions).

4.2.4. *Promoters' right to request a review of the project assessment*

In case of disagreement with the competent ENTSG on the assessment conducted in line with the CBA methodology, the project promoter, should have the right to request a review of their project assessment. Such a request should be duly motivated and substantiated by the promoter.

Within this review phase, the ENTSGs should consult the Commission and the Agency and if deemed necessary, they may also consult on an ad-hoc basis the relevant stakeholders when considering the project promoters' justifications. When taking its final decision, the competent ENTSG should duly take into account the expressed views.

The following elements — considered as having been already consulted with stakeholders earlier in the process, agreed upon and finalised — are not to be open for discussion within this review phase: scenario assumptions and data, CBA methodologies and project data submitted within the process.

II

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

EUROPEAN COMMISSION

COMMISSION NOTICE

concerning a list of potentially low-risk active substances approved for use in plant protection

(2018/C 265/02)

1. INTRODUCTION

As reflected in recital 17 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council⁽¹⁾ (hereinafter 'the Regulation'), low-risk substances should be identified and the placing on the market of plant protection products containing those substances should be facilitated. Moreover, in line with the objectives of Directive 2009/128/EC of the European Parliament and of the Council⁽²⁾ on the sustainable use of pesticides the use of plant protection products having the least negative effects on human and animal health and on the environment should be promoted.

Active substances that satisfy the criteria for approval in Article 4 and the low-risk criteria in Article 22 of the Regulation are approved as low-risk substances. They are included in Part D of the list of approved active substances in the Annex to Commission Implementing Regulation (EU) No 540/2011⁽³⁾. Information about low-risk substances is available in the European pesticides database available at: <http://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN>

Plant protection products containing low-risk substances that meet the requirements of Article 47 of the Regulation shall be authorised by Member States as low-risk plant protection products.

Council Directive 91/414/EEC⁽⁴⁾, which was replaced by the Regulation, did not provide for the approval of active substances as low-risk. However, several substances previously approved under this Directive, in particular those substances which were subject to Commission Regulation (EC) No 2229/2004⁽⁵⁾ concerning the fourth stage of the review programme, may potentially be identified as of low-risk.

This Notice is intended to assist Member States in achieving the objectives of Directive 2009/128/EC and specifically the implementation of the provisions of Article 12 and 14 of that Directive as well as the application of the general principles of integrated pest management. For this purpose it provides a list of active substances approved under Directive 91/414/EEC that are expected to meet the low-risk criteria of Article 22 of the Regulation.

⁽¹⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 304, 24.11.2009, p. 1).

⁽²⁾ Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).

⁽³⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁴⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁵⁾ Commission Regulation (EC) No 2229/2004 of 3 December 2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC (OJ L 379, 24.12.2004, p. 13).

The list is established for informative purposes on the basis of information available in the dossiers and assessment reports that substantiated the approval of the substances under Directive 91/414/EEC. Based on this information the active substances approved under this Directive were screened for their compliance with the requirements of Article 22 and specifically the criteria of Annex II point 5 to the Regulation ('low-risk criteria'). The screening was performed by the Commission with the assistance of the Working Group on Low-risk substances and products.

The list is without prejudice to the outcome of any forthcoming evaluations performed in accordance with the provisions of Regulation (EC) No 1107/2009 for the purpose of the renewal, amendment or review of the approval of an active substance. The inclusion in the list does not formally grant the low-risk status to an active substance and does not result in its listing amongst low-risk active substances in Part D of the Annex to Commission Implementing Regulation (EU) No 540/2011 which can only follow a complete evaluation and decision under the Regulation.

Hence, plant protection products containing the substances on the list cannot be authorised as low-risk products and the specific legal provisions for low-risk products do not apply to them. However, Member States may use the list as considered appropriate to inform users and other stakeholders and to promote more effectively the use of plant protection products with substances of lower risk to contribute to the objectives of Directive 2009/128/EC.

This Notice is intended to assist national authorities in the application of Directive 2009/128/EC. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

2. LIST OF ACTIVE SUBSTANCES EXPECTED TO MEET THE REQUIREMENTS OF ARTICLE 22 OF THE REGULATION

2.1 Micro-organisms

Substance Name	Pesticide Category
Adoxophyes orana GV strain BV-0001	Insecticide
Ampelomyces quisqualis strain AQ10	Fungicide
Bacillus amyloliquefaciens subsp. plantarum D747	Fungicide
Bacillus firmus I-1582	Nematicide
Bacillus pumilus QST 2808	Fungicide
Bacillus subtilis str. QST 713	Bactericide, fungicide
Bacillus thuringiensis subsp. Aizawai strains ABTS-1857 and GC-91	Insecticide
Bacillus thuringiensis subsp. Israeliensis (serotype H-14) strain AM65-52	Insecticide
Bacillus thuringiensis subsp. Kurstaki strains ABTS 351, PB 54, SA 11, SA12 and EG 2348	Insecticide
Beauveria bassiana strains ATCC 74040 and GHA	Insecticide
Candida oleophila strain O	Fungicide
Cydia pomonella Granulovirus (CpGV)	Insecticide
Gliocladium catenulatum strain J1446	Fungicide
Helicoverpa armigera nucleopolyhedrovirus (HearNPV)	Insecticide
Lecanicillium muscarium (formerly Verticillium lecanii) strain Ve6	Insecticide

Substance Name	Pesticide Category
Metarhizium anisopliae var. anisopliae strain BIPESCO 5/F52	Insecticide
Phlebiopsis gigantea (several strains)	Fungicide
Pythium oligandrum M1	Fungicide
Spodoptera exigua nuclear polyhedrosis virus	Insecticide
Spodoptera littoralis nucleopolyhedrovirus	Insecticide
Streptomyces K61 (formerly S. griseoviridis)	Fungicide
Trichoderma asperellum (formerly T. harzianum) strains ICC012, T25 and TV1	Fungicide
Trichoderma asperellum (strain T34)	Fungicide
Trichoderma atroviride (formerly T. harzianum) strains IMI 206040 and T11	Fungicide
Trichoderma atroviride strain I-1237	Fungicide
Trichoderma gamsii (formerly T. viride) strain ICC080	Fungicide
Trichoderma harzianum strains T-22 and ITEM 908	Fungicide
Trichoderma polysporum strain IMI 206039	Fungicide
Verticillium albo-atrum (formerly Verticillium dahliae) strain WCS850	Fungicide
Zucchini Yellow Mosaik Virus, weak strain	Elicitor

2.2 Other substances

Substance Name	Pesticide Category	Comment
Aluminium ammonium sulphate	Repellent	
Ammonium acetate	Attractant	
Ascorbic acid	Fungicide	
Blood meal	Repellent	
Calcium carbonate	Repellent	
Fat distillation residues	Repellent	
Fatty acids C7 to C20	Insecticide, acaricide, herbicide, plant growth regulator	This does not include free fatty acids with a carbon chain length shorter than C9 (i.e. enanthic acid, caprylic acid).
FEN 560 (Fenugreek seed powder)	Insecticide	

Substance Name	Pesticide Category	Comment
Garlic extract	Repellent	
Gibberellic acid	Plant growth regulator	
Gibberellin	Plant growth regulator	
Heptamaloxyloglucan	Elicitor	
Hydrolysed proteins	Insecticide	
Limestone	Repellent	
Maltodextrin	Insecticide	
Pepper dust extraction residue (PDER)	Repellent	
Plant oils/Rape seed oil	Insecticide, acaricide	
Potassium hydrogen carbonate	Fungicide	
Prohexadione	Plant growth regulator	
Quartz sand	Repellent	
Repellents by smell of animal or plant origin/ fish oil	Repellent	
Repellents by smell of animal or plant origin/ sheep fat	Repellent	
Sea-algae extract (formerly sea-algae extract and seaweeds)	Plant growth regulator	
Sodium aluminium silicate	Repellent	
Straight Chain Lepidopteran Pheromones	Attractant	Applied by dispensers.
Sulphur	Fungicide, acaricide, repellent	
Urea	Insecticide	

Initiation of proceedings
(Case M.8909 — KME/MKM)
(Text with EEA relevance)
(2018/C 265/03)

On 23 July 2018, the Commission decided to initiate proceedings in the abovementioned case after finding that the notified concentration raises serious doubts as to its compatibility with the internal market. The initiation of proceedings opens a second phase investigation with regard to the notified concentration, and is without prejudice to the final decision on the case. The decision is based on Article 6(1)(c) of Council Regulation (EC) No 139/2004 ⁽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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference No M.8909 — KME/MKM, 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⁾

26 July 2018

(2018/C 265/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1716	CAD	Canadian dollar	1,5287
JPY	Japanese yen	129,91	HKD	Hong Kong dollar	9,1949
DKK	Danish krone	7,4517	NZD	New Zealand dollar	1,7186
GBP	Pound sterling	0,88860	SGD	Singapore dollar	1,5943
SEK	Swedish krona	10,2738	KRW	South Korean won	1 311,82
CHF	Swiss franc	1,1616	ZAR	South African rand	15,4559
ISK	Iceland króna	122,20	CNY	Chinese yuan renminbi	7,9464
NOK	Norwegian krone	9,5455	HRK	Croatian kuna	7,4025
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 935,48
CZK	Czech koruna	25,647	MYR	Malaysian ringgit	4,7600
HUF	Hungarian forint	324,43	PHP	Philippine peso	62,559
PLN	Polish zloty	4,2835	RUB	Russian rouble	73,8560
RON	Romanian leu	4,6318	THB	Thai baht	39,038
TRY	Turkish lira	5,6454	BRL	Brazilian real	4,3523
AUD	Australian dollar	1,5792	MXN	Mexican peso	21,9020
			INR	Indian rupee	80,4480

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

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding closure of fisheries

(2018/C 265/05)

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

Date and time of closure	22.6.2018
Duration	22.6.2018-31.12.2018
Member State	Denmark
Stock or Group of stocks	SAN/234_2R
Species	Sandeel and associated by-catches (<i>Ammodytes</i> spp.)
Zone	Union waters of sandeel management area 2r
Type(s) of fishing vessels	—
Reference number	12/TQ120

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

Notification by the Netherlands of the application of Article 19(2) of Regulation (EC) No 1008/2008 concerning traffic distribution rules for Schiphol airport and Lelystad Airport

(Text with EEA relevance)

(2018/C 265/06)

Pursuant to Article 19(3) of Regulation (EC) No 1008/2008 of the European Parliament and the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽¹⁾, on 12 July 2018 the Commission received notification from the Netherlands of a draft Decree establishing the Dutch traffic distribution rule between Schiphol airport and Lelystad airport.

The proposed rules, when adopted and entered into force, will distribute traffic between Schiphol and Lelystad Airport on the following basis:

- capacity at Lelystad Airport will be reserved for point-to-point-flights voluntarily moved from Schiphol,
- slots made available at Schiphol because a point-to-point-flight is moved, have to be used for transfer flights.

Summarised, transfer flights are flights to destinations that at Schiphol Airport have an average transfer rate of at least 10 %. Point-to-point-flights are flights to destinations that at Schiphol Airport have an average transfer rate of less than 10 %.

The destinations that meet these criteria are specified in annexes.

The complete text can be found under the following web link:

https://ec.europa.eu/transport/modes/air/consultations/2018-schiphol-lelystad-distribution-rules_en

The Commission invites interested parties to submit their comments by 7 September 2018, to:

Directorate-General for Mobility and Transport (Unit E4 internal market and airports)

European Commission

Office: DM24 05/84

1049 Bruxelles/Brussel

BELGIQUE/BELGIË

MOVE-AIR-SERVICES-REGULATION@ec.europa.eu

⁽¹⁾ OJ L 293, 31.10.2008, p. 3.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9045 — Blackstone/Averys)

Candidate case for simplified procedure

(Text with EEA relevance)

(2018/C 265/07)

1. On 20 July 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Blackstone Group L.P. ('Blackstone', United States),
- Financière Efel SAS ('Averys', France).

Blackstone acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Averys.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Blackstone: asset management and financial advisory services,
- for Averys: manufacture of customised racking and storage solutions for warehouses, with brands such as Stow, Storax, Feralco, Duwic and Acial.

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 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9045 — Blackstone/Averys

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

CORRIGENDA

Corrigendum to Passenger Name Records (PNR)

List of Member States who have decided the application of the PNR Directive to intra-EU flights as referred to in Article 2 of Directive (EU) 2016/681 of the European Parliament and of the Council on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

(If a Member State decides to apply this Directive to intra-EU flights, it shall notify the Commission in writing. A Member State may give or revoke such a notification at any time. The Commission shall publish that notification and any revocation of it in the Official Journal of the European Union)

(Official Journal of the European Union C 196 of 8 June 2018)

(2018/C 265/08)

On page 29:

The following Member State that has notified the Commission of the application of the PNR Directive in intra-EU flights is added:

— Bulgaria.

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