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Information and Notices

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European Commission

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EUROPEAN COMMISSION

Opinion of the Advisory Committee on restrictive practices and dominant positions at its meeting on 15 March 2019 concerning a draft decision in case AT.40411 Google Search (AdSense)

Rapporteur: Croatia

(2020/C 369/01)

1. The Advisory Committee agrees with the Commission that, for the purposes of this case, the relevant product markets are the market for online search advertising and the market for online search advertising intermediation.

2. The Advisory Committee agrees with the Commission that, for the purposes of this case, the relevant geographic market for online search advertising is national in scope.

3. The Advisory Committee agrees with the Commission that, for the purposes of this case, the relevant geographic market for online search advertising intermediation is EEA-wide in scope.

4. The Advisory Committee agrees with the Commission that Google has held a dominant position in the market for online search advertising intermediation between at least 2006 and 2016.

5. The Advisory Committee agrees with the Commission that the Exclusivity Clause in contracts with All Sites Direct Partners constituted an abuse of Google's dominant position in the EEA-wide market for online search advertising intermediation within the meaning of Article 102 of the TFEU and Article 54 of the EEA Agreement.

6. The Advisory Committee agrees with the Commission that the Premium Placement and Minimum Google Ads Clause constituted an abuse of Google's dominant position in the EEA-wide market for online search advertising intermediation within the meaning of Article 102 of the TFEU and Article 54 of the EEA Agreement.

7. The Advisory Committee agrees with the Commission that the Authorising Equivalent Ads Clause constituted an abuse of Google's dominant position on the EEA-wide market for online search advertising intermediation within the meaning of Article 102 of the TFEU and Article 54 of the EEA Agreement.

8. The Advisory Committee agrees with the Commission's assessment that all the above mentioned conducts constitute a single and continuous infringement as described in the draft decision.

9. The Advisory Committee agrees with the Commission's assessment as regards the duration of the infringement as described in the draft decision.

10. The Advisory Committee requests the Commission to take into account the observations made during the meeting.

11. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.

Opinion of the Advisory Committee on restrictive practices and dominant positions at its meeting on 19 March 2019 concerning a draft decision in case AT.40411 Google Search (AdSense)

Rapporteur: Croatia

(2020/C 369/02)

1. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision.

2. The Advisory Committee agrees with the Commission that Google's gross revenues generated in the EEA by Google's online search advertising intermediation activity should be taken into account for the purpose of the calculation of the basic amount of the fine.

3. The Advisory Committee agrees with the Commission on the basic amount of the fine set in this case.

4. The Advisory Committee agrees with the Commission that an additional amount ('entry fee') should be applied in this case.

5. The Advisory Committee agrees with the Commission that there are no aggravating and no mitigating circumstances applicable in this case.

6. The Advisory Committee agrees with the Commission that a deterrence multiplier should be applied in this case.

7. The Advisory Committee agrees with the Commission on the final amount of the fine.

8. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.

Final Report of the Hearing Officer [1]

Google Search (AdSense)

(AT.40411)

(2020/C 369/03)

Introduction

(1) The draft decision concerns conduct of the undertaking that includes Google LLC (formerly Google Inc. [2]) and Alphabet Inc. [3] (together or interchangeably as required by the context, 'Google') with regard to certain clauses in its agreements with relevant third party websites (publishers) requiring them (i) to source all or most of their search advertising ('search ads') requirements from Google; (ii) to reserve the most prominent space on their search results pages for a minimum number of search ads from Google; and (iii) to seek Google's approval before making changes to the display of competing search ads.

(2) This case arose out of several complaints [4]. The Commission initially proceeded by means of the procedure under Article 9 of Council Regulation (EC) No 1/2003 [5], before reverting to the procedure under Article 7 of that regulation [6].

The Statement of Objections

(3) On 14 July 2016, the Commission addressed a statement of objections (the 'SO') to Google Inc. and Alphabet Inc. setting out its preliminary conclusions that the clauses described in paragraph (1) above constitute separate infringements of Article 102 TFEU and Article 54 of the EEA Agreement and also constitute a single and continuous infringement of Article 102 TFEU and Article 54 of the EEA Agreement [7].

(4) Google obtained access to the bulk of the accessible investigation file on 26 July 2016 by means of an encrypted CD-ROM/DVD [8]. The Directorate-General for Competition ('DG Competition') organised a data room procedure in September 2016 for certain sensitive information that the Commission had obtained from third parties. Google addressed a series of requests to me under Article 7(1) of Decision 2011/695/EU seeking further access to documents which had been provided to Google in redacted form. In this context, Google indicated its readiness to accept restricted disclosure, where necessary, by means of data room procedures or confidentiality rings [9]. Following my intervention, less redacted or full versions of many of these were disclosed, in some cases by means of a data room procedure or confidentiality ring procedures. In relation to a limited number of the documents requested by Google, I rejected Google's request considering that access to the redacted parts of the documents was not necessary for the purposes of the effective exercise of Google's right to be heard.

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

([2]) In September 2017, Google Inc. changed its legal form and became Google LLC.

([3]) A holding company that was created as part of a reorganisation of the undertaking, and which wholly owns Google LLC (formerly Google Inc.) since 2 October 2015.

([4]) A full list of the relevant complainants can be seen at paragraph (6) below.

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

([6]) On 30 November 2010, the Commission had already initiated proceedings against Google Inc. pursuant to Article 2(1) of Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18) ('Regulation (EC) No 773/2004'), in relation to a number of practices under case number AT.39740, from which the current case was split.

([7]) Simultaneously, the Commission also initiated proceedings against Alphabet Inc.

([8]) Access-to-file in respect of Case AT.39740 had been previously provided.

([9]) Google subsequently withdrew its requests for approximately a quarter of the relevant documents.

(5) Google responded to the SO on 3 November 2016 ([10]). It did not request an oral hearing.

Participation of Complainants and Interested Third Persons

(6) The Commission received complaints relevant to the present proceedings from Ciao GmbH ('Ciao') ([11]), Microsoft Corporation ('Microsoft'), Expedia Inc. ('Expedia'), the Initiative for a Competitive Online Marketplace ('ICOMP'), Tradecomet.com Ltd and its parent company Tradecomet LLC ('TradeComet'), Deutsche Telekom AG ('Deutsche Telekom') and Kelkoo SAS ('Kelkoo') ([12]). Google provided comments on each of these complaints. In accordance with Article 6(1) of Regulation (EC) No 773/2004, the complainants involved have been provided with a non-confidential version of the SO.

(7) I admitted to the proceedings two interested third persons that demonstrated a sufficient interest for the purposes of Article 27(3) of Regulation (EC) No 1/2003, Article 13(1) of Regulation (EC) No 773/2004, and Article 5(1), (2) of Decision 2011/695/EU ([13]). DG Competition informed them, in accordance with Article 13(1) of Regulation (EC) No 773/2004, of the nature and subject matter of the proceedings, giving them the opportunity to make their views known in writing.

The Letters of Facts

(8) On 6 June 2017, the Commission addressed a first 'letter of facts' to Google (the 'First Letter of Facts'). On that date, access to the post-SO file was provided to Google by means of an encrypted CD. A data room procedure was organised in June 2017.

(9) On 3 July 2017, Google replied to the First Letter of Facts.

(10) On 11 December 2017, the Commission addressed another letter of facts to Google (the 'Second Letter of Facts'). On the same day, Google was granted further access to file in relation to all documents that the Commission had obtained after the First Letter of Facts until the date of the Second Letter of Facts.

(11) On 15 January 2018, Google replied to the Second Letter of Facts.

Notes of Meetings and Other Procedural Remarks

(12) On receipt of, respectively, the SO and the First Letter of Facts, as well as following the Court of Justice judgment in *Intel* v *Commission* ([14]), Google also sought access to notes of meetings with complainants or other third parties that were fuller than those to which it already had access.

(13) I rejected Google's related first and second requests to me under application of Article 7(1) of Decision 2011/695/EU as, where no more detailed notes existed on the Commission file, there was nothing to be the subject of an access-to-file request.

(14) Prior to Google's third request for notes of meetings to me, DG Competition had provided, in March 2018 after the above-mentioned judgment in *Intel* v *Commission*, a number of revised minutes of meetings and calls between DG Competition and third parties, explaining that they had been prepared following contacts by DG Competition with third parties involved. Google complained to me that this response was unsatisfactory. To the extent that Google's request amounted to a request for further access to the file under Article 7(1) of Decision 2011/695/EU as regards

([10]) Google stated in the cover letter to its response that it reserved the right to supplement this response following the resolution of the pending (and forthcoming) requests to me under Article 7(1) of Decision 2011/695/EU. Google supplemented its response by letter dated 6 March 2017.

([11]) Ciao's complaint was reallocated to the Commission from the Bundeskartellamt (Germany) in accordance with the Commission Notice on cooperation within the Network of Competition Authorities, OJ C 101, 27.4.2004, p. 43.

([12]) The complaints from Microsoft and Ciao were withdrawn on 21 April 2016.

([13]) DG Competition wrote to the interested third persons in Case AT.39740 informing them that they would not be automatically admitted to the proceedings in this case and, if they desired to be admitted, would have to apply showing a sufficient interest. One applicant has not been admitted following the lack of response to an invitation to provide sufficient clarity on its interest in the proceedings in order to allow me to evaluate its application.

([14]) Judgment of 6 September 2017, C-413/14 P, EU:C:2017:632.

the remaining redactions in the revised notes provided by DG Competition, I arranged for DG Competition to provide access to less redacted versions of two notes of calls ([15]). Concerning the remaining redactions, I was satisfied that these should be maintained. To the extent that Google's request could be interpreted as seeking further access to other documents in the Commission's possession, I considered such request devoid of purpose after verification with DG Competition ([16]). Finally, in relation to the question of whether the material provided with DG Competition's response satisfied, to the extent applicable, the requirements of Article 19 of Regulation (EC) No 1/2003 as referred to in the Court of Justice ruling in *Intel* v *Commission*, I did not have competence to substitute by decision, on behalf of the Commission, another assessment for that of DG Competition. In any event, on the basis of the information available and submissions made to me regarding the provision of records of meetings, it does not appear that there has been a breach of Google's rights of defence tainting the legality of the draft decision.

(15) Google also alleged that the Commission had breached its rights of defence by preventing it from verifying the market coverage calculations contained in the Second Letter of Facts, failing to adopt a supplementary statement of objections, and failing to provide adequate reasons as to why the Commission reverted to the procedure under Article 7 of Regulation (EC) No 1/2003 in 2014, following earlier attempts to adopt a commitments decision under Article 9 of Regulation (EC) No 1/2003. The draft decision rejects these claims. I have not received any direct complaints from Google as regards these issues, and have no indications that Google's rights of defence have been breached in this regard.

The Draft Decision

(16) Pursuant to Article 16(1) of Decision 2011/695/EU, I have reviewed the draft decision in order to consider whether the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known their views. My conclusion is that it does.

(17) Overall, I consider that the effective exercise of procedural rights has been respected throughout the procedure.

Brussels, 19 March 2019.

Joos STRAGIER

([15]) Google confirmed in an e-mail to DG Competition that it did not plan to make any further submissions with respect to the materials received, since the relevant issues were already covered by Google's prior submissions.

([16]) DG Competition had confirmed to me that there were no other (non-confidential versions of) documents in the Commission's possession that contained any account of meetings or calls that were conducted for the purpose of collecting information relating to the subject matter of the investigation in this case.

Summary of Commission Decision

of 20 March 2019

relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement

(Case AT.40411 – Google Search (AdSense))

(notified under document number C(2019) 2173)

(Only the English text is authentic)

(2020/C 369/04)

On 20 March 2019, the Commission adopted a decision relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ([1]), the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. **INTRODUCTION**

(1) The Decision establishes that inclusion of the *Exclusivity Clause*, the *Premium Placement and Minimum Google Ads Clause* and the *Authorising Equivalent Ads Clause*, by Google Inc. ("Google") in its Google Services Agreements ("GSA") concluded with its large customers of online search advertising intermediation services ("Direct Partners") infringed Article 102 TFEU and Article 54 of the EEA Agreement.

(2) The Decision orders Google to stop applying the abovementioned clauses to the extent that it has not already done so and to abstain from implementing any measure that has an equivalent object or effect. The Decision imposes a fine in relation to the abusive conduct upon Google Inc. with respect to the period 1 January 2006 to 6 September 2016 and upon Alphabet Inc. ("Alphabet") with respect to the period 2 October 2015 to 6 September 2016.

2. **MARKET DEFINTION AND DOMINANCE**

(3) The Decision concludes that the relevant product markets for the purpose of this case are the market for online search advertising and the market for online search advertising intermediation.

(4) The Decision concludes that the provision of online search advertising constitutes a distinct relevant product market because it is not substitutable with: (i) offline advertising; (ii) online non-search advertising; and (iii) paid specialised search results. The Decision concludes that, given the linguistic and cultural specificities that inform the conduct of operators in this market, the geographic scope of this market is national.

(5) The Decision concludes that the market for online search advertising intermediation constitutes a distinct relevant product market because there is limited substitutability with: (i) direct online sales; and (ii) intermediation services for online non-search ads. The Decision concludes that the market for online search advertising intermediation is EEA-wide in scope, given that operators in this market are able to adapt their services according to the linguistic and cultural specificities of the EU Member State or EEA Agreement Contracting Party in which they are operating.

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

Google's dominant position in the national markets for online search advertising

(6) The Decision concludes that Google held a dominant position in at least the following national markets for online search advertising in the EEA and during at least the following periods:

— between 2006 and 2016 in Austria, Belgium, Cyprus, Denmark, Estonia, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Spain and the United Kingdom;

— between 2007 and 2016 in Norway and Poland;

— between 2008 and 2016 in Hungary, Romania and Sweden;

— between 2009 and 2016 in Finland and Slovenia;

— between 2010 and 2016 in Bulgaria and Slovakia;

— between 2011 and 2016 in Czechia; and

— between 1 July 2013 and 2016 in Croatia.

(7) This conclusion is based on the market shares of Google and competing online search advertising providers, and evidence demonstrating that the national markets for online search advertising in the EEA are characterised by significant barriers to entry and expansion. Such barriers to entry and expansion include the substantial investments necessary to enter the market, the existence of network effects and the lack of countervailing buyer power.

Google's dominant position in the EEA-wide market for online search advertising intermediation

(8) The Decision concludes that Google held a dominant position in the EEA-wide market for online search advertising intermediation between at least 2006 and 2016.

(9) This conclusion is based on the market shares of Google and competing online search advertising intermediaries, and evidence demonstrating that the EEA-wide market for online search advertising intermediation is characterised by high barriers to entry and to expansion. Such barriers to entry and expansion include the substantial investments necessary to enter the market, the existence of network effects and the lack of countervailing buyer power.

3. **ABUSE OF A DOMINANT POSITION**

(10) The Decision concludes that from 1 January 2006 to 6 September 2016 Google infringed Article 102 TFEU and Article 54 of the EEA Agreement by engaging in three distinct types of conduct, which together amounted to a single and continuous infringement.

(11) First, the Decision concludes that Google abused its dominant position in the EEA-wide market for online search advertising intermediation by including the Exclusivity Clause in GSAs with Direct Partners whose entire advertising inventory was covered. That clause required those Direct Partners to source all or most of their search ads requirements from Google.

(12) Second, the Decision concludes that Google abused its dominant position in the EEA-wide market for online search advertising intermediation by including the Premium Placement and Minimum Google Ads Clause in GSAs with Direct Partners. That clause required Direct Partners to reserve the most prominent space on their search results pages covered by the relevant GSA for a minimum number of Google search ads.

(13) Third, the Decision concludes that Google abused its dominant position in the EEA-wide market for online search advertising intermediation by including the Authorising Equivalent Ads Clause in GSAs with Direct Partners. That clause required Direct Partners to seek Google's approval before making changes to the display of competing search ads on websites covered by the relevant GSA.

Abuse of Google's dominant position: Exclusivity Clause

(14) The Decision concludes that, between 1 January 2006 and 31 March 2016, the inclusion of the Exclusivity Clause in GSAs with Direct Partners whose entire advertising inventory was covered constituted an abuse of Google's dominant position in the EEA-wide market for online search advertising intermediation.

(15) First, the Decision concludes that the inclusion of the Exclusivity Clause in GSAs with Direct Partners whose entire advertising inventory was covered constituted an exclusive supply obligation. The Decision explains that the Exclusivity Clause required Direct Partners to source all of their search ads requirements from Google for the websites included in the GSAs and that Direct Partners could not remove websites from the scope of a GSA without Google's consent.

(16) Second, the Decision concludes that the inclusion of the Exclusivity Clause in GSAs with Direct Partners whose entire advertising inventory was covered was capable of restricting competition, because it: (i) deterred those Direct Partners from sourcing competing search ads; (ii) prevented access by competing providers of online search advertising intermediation services to a significant part of the EEA-wide market for online search advertising intermediation; (iii) may have deterred innovation; (iv) helped Google to maintain and strengthen its dominant position in each national market for online search advertising in the EEA, except Portugal; and (v) may have harmed consumers.

(17) Third, the Decision concludes that Google did not demonstrate that the inclusion of the Exclusivity Clause in GSAs with Direct Partners whose entire advertising inventory was covered was objectively justified or that its exclusionary effect was counterbalanced, or outweighed even, by advantages in terms of efficiency gains that also benefit consumers. In particular, the Decision concludes that Google did not provide sufficient evidence that the inclusion of the Exclusivity Clause was necessary to support its customer-specific investments in those Direct Partners and to justify the investment necessary to run, maintain and improve the quality of its online search advertising intermediation platform.

Abuse of Google's dominant position: Premium Placement and Minimum Google Ads Clause

(18) The Decision concludes that between 31 March 2009 and 6 September 2016 the inclusion of the Premium Placement and Minimum Google Ads Clause in GSAs with Direct Partners constituted an abuse of Google's dominant position in the EEA-wide market for online search advertising intermediation.

(19) First, the Decision concludes that the inclusion of the Premium Placement and Minimum Google Ads Clause in GSAs with Direct Partners required Direct Partners to reserve the most prominent and therefore most profitable space on their search results pages for Google search ads, and to refrain from placing competing search ads in a position immediately adjacent to or above Google search ads. The Decision explains that the profitability of a search ad depends upon its positioning on a search results page, with the space above the organic results constituting the most profitable position, because consumers are more likely to click ads positioned above the organic results.

(20) Second, the Decision concludes that the inclusion of the Premium Placement and Minimum Google Ads Clause in GSAs with Direct Partners obliged Direct Partners to fill the most prominent space on their search results pages with a minimum number of Google search ads. Consequently, Direct Partners who wanted to source only a limited number of search ads were obliged to source all of them from Google.

(21) Third, the Decision concludes that the inclusion of the Premium Placement and Minimum Google Ads Clause in GSAs with Direct Partners was capable of restricting competition because it: (i) deterred Direct Partners from sourcing competing search ads; (ii) prevented access by competing providers of online search advertising intermediation to a significant part of the EEA-wide market for online search advertising intermediation; (iii) may have deterred innovation; (iv) helped Google to maintain and strengthen its dominant position in each national market for online search advertising in the EEA, except Portugal; and (v) may have harmed consumers.

(22) Fourth, the Decision concludes that Google did not demonstrate that the inclusion of the Premium Placement and Minimum Google Ads Clause in GSAs with Direct Partners was objectively justified or that its exclusionary effect was counterbalanced, or outweighed even, by advantages in terms of efficiency gains that also benefit consumers. In particular, the Decision concludes that Google did not provide sufficient evidence that the inclusion of the Premium Placement and Minimum Google Ads Clause in GSAs with Direct Partners was necessary to justify its customer-specific investments in Direct Partners and to maintain the relevance of Google's search ads.

Abuse of Google's dominant position: the Authorising Equivalent Ads Clause

(23) The Decision concludes that between 31 March 2009 and 6 September 2016 the inclusion of the Authorising Equivalent Ads Clause in GSAs with Direct Partners constituted an abuse of Google's dominant position in the EEA-wide market for online search advertising intermediation.

(24) First, the Decision concludes that the inclusion of the Authorising Equivalent Ads Clause in GSAs with Direct Partners required Direct Partners to seek Google's approval before making any change to the display of competing search ads.

(25) Second, the Decision concludes that the inclusion of the Authorising Equivalent Ads Clause in GSAs with Direct Partners was capable of restricting competition, because it: (i) deterred Direct Partners from sourcing competing search ads; (ii) prevented Google's competitors from having access to a significant part of the EEA-wide market for online search advertising intermediation; (iii) may have deterred innovation; (iv) helped Google to maintain its dominant position; and (v) may have harmed consumers.

(26) Third, the Decision concludes that Google did not demonstrate that the inclusion of the Authorising Equivalent Ads Clause in GSAs with Direct Partners was objectively justified or that its exclusionary effect was counterbalanced, or outweighed even, by advantages in terms of efficiency gains that also benefit consumers. In particular, the Decision concludes that Google did not provide sufficient evidence that Direct Partners should be responsible for competing ads' compliance with Google's quality standards in the first place, and did not provide sufficient evidence that the Authorising Equivalent Ads Clause was necessary to avoid deceptive practices on sites that also displayed Google search ads.

Effect on Trade

(27) The Decision concludes that Google's conduct had an appreciable effect on trade between EU Member States and between the Contracting Parties to the EEA Agreement.

Duration

(28) The Decision concludes that the duration of the single and continuous infringement was 10 years, eight months and six days. As regards Google, the starting date of the single and continuous infringement was 1 January 2006 and its end date was 6 September 2016. As regards Alphabet, the starting date of the single and continuous infringement was 2 October 2015 and its end date was 6 September 2016.

Remedies

(29) The Decision concludes that Google and Alphabet must bring to an end the conduct to the extent that it has not already done so, and refrain from any act or conduct which would have the same or similar object or effect.

(30) Consequently, Google and Alphabet cannot: (i) make the sourcing of Google search ads conditional on written or unwritten requirements that require Direct Partners to reserve the most prominent space on their search results pages covered by the relevant GSA for Google search ads; (ii) make the sourcing of Google search ads conditional on written or unwritten requirements that require Direct Partners to fill the most prominent space on their search

results pages covered by the relevant GSA with a minimum number of Google search ads; (iii) make the signing of a GSA conditional on a Direct Partner's acceptance of written or unwritten conditions that require Direct Partners to seek Google's approval before making any change to the display of competing search ads; and (iv) punish or threaten Direct Partners that decide to source competing search ads.

4. **FINE**

(31) The fine imposed on Alphabet Inc. and Google Inc. for the abusive conduct is calculated on the basis of the principles laid out in the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003. The Decision concludes that the final amount of the fine imposed on Alphabet Inc. and Google Inc. is: EUR 1 494 459 000, of which EUR 130 135 475 jointly and severally with Alphabet Inc..

Euro exchange rates [1]

30 October 2020

(2020/C 369/05)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,1698	CAD	Canadian dollar	1,5556
JPY	Japanese yen	122,36	HKD	Hong Kong dollar	9,0706
DKK	Danish krone	7,4466	NZD	New Zealand dollar	1,7565
GBP	Pound sterling	0,90208	SGD	Singapore dollar	1,5952
SEK	Swedish krona	10,3650	KRW	South Korean won	1 324,20
CHF	Swiss franc	1,0698	ZAR	South African rand	19,0359
ISK	Iceland króna	164,40	CNY	Chinese yuan renminbi	7,8158
NOK	Norwegian krone	11,0940	HRK	Croatian kuna	7,5748
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	17 108,33
CZK	Czech koruna	27,251	MYR	Malaysian ringgit	4,8588
HUF	Hungarian forint	367,45	PHP	Philippine peso	56,635
PLN	Polish zloty	4,6222	RUB	Russian rouble	92,4606
RON	Romanian leu	4,8725	THB	Thai baht	36,439
TRY	Turkish lira	9,7940	BRL	Brazilian real	6,7607
AUD	Australian dollar	1,6563	MXN	Mexican peso	24,8416
			INR	Indian rupee	87,1115

[1] *Source*: reference exchange rate published by the ECB.

Euro exchange rates [1]

2 November 2020

(2020/C 369/06)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,1652	CAD	Canadian dollar	1,5466
JPY	Japanese yen	121,93	HKD	Hong Kong dollar	9,0327
DKK	Danish krone	7,4455	NZD	New Zealand dollar	1,7565
GBP	Pound sterling	0,90053	SGD	Singapore dollar	1,5903
SEK	Swedish krona	10,3625	KRW	South Korean won	1 320,61
CHF	Swiss franc	1,0695	ZAR	South African rand	18,8972
ISK	Iceland króna	163,50	CNY	Chinese yuan renminbi	7,7962
NOK	Norwegian krone	11,1128	HRK	Croatian kuna	7,5695
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	17 064,82
CZK	Czech koruna	27,131	MYR	Malaysian ringgit	4,8443
HUF	Hungarian forint	366,24	PHP	Philippine peso	56,407
PLN	Polish zloty	4,6018	RUB	Russian rouble	93,7450
RON	Romanian leu	4,8674	THB	Thai baht	36,249
TRY	Turkish lira	9,8332	BRL	Brazilian real	6,6916
AUD	Australian dollar	1,6533	MXN	Mexican peso	24,7327
			INR	Indian rupee	86,7555

[1] *Source*: reference exchange rate published by the ECB.

COURT OF AUDITORS

Special Report 23/2020

'The European Personnel Selection Office: Time to adapt the selection process to changing recruitment needs'

(2020/C 369/07)

The European Court of Auditors hereby informs you that Special Report No 23/2020 'The European Personnel Selection Office: Time to adapt the selection process to changing recruitment needs' has just been published.

The report can be accessed for consultation or downloading on the European Court of Auditors' website: http://eca.europa.eu.

NOTICES FROM MEMBER STATES

Notice from the Government of the Republic of Poland concerning Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons

(2020/C 369/08)

NOTICE OF CONCESSION APPLICATION FOR THE PROSPECTION AND EXPLORATION OF OIL AND NATURAL GAS DEPOSITS AND THE EXTRACTION OF OIL AND NATURAL GAS

SECTION I: LEGAL BASIS

1. Article 49ec(2) of the Geological and Mining Law Act of 9 June 2011 (Journal of Laws (*Dziennik Ustaw*) 2020, item 1064, as amended)

2. Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons (OJ L 164, 30.6.1994, p. 3; Special edition in Polish: Chapter 6, Volume 2, p. 262)

SECTION II: ENTITY INVITING BIDS

Name: Ministry of the Environment
Postal address:
ul. Wawelska 52/54
00-922 Warsaw
POLAND

Tel. +48 223692449

Fax +48 223692460

Website: www.gov.pl/web/srodowisko

SECTION III: SUBJECT OF THE PROCEDURE

1) **Information on the submission of concession applications**

A concession application for the prospection and exploration of oil and natural gas deposits and the extraction of oil and natural gas in the 'Żarówka' area has been submitted to the concession authority.

2) **Type of activities for which the concession is to be granted**

Concession for the prospection and exploration of oil and natural gas deposits and the extraction of oil and natural gas in the 'Żarówka' area, parts of concession blocks Nos 374, 375, 394, 395 and 415.

3) **Area within which the activities are to be conducted**

The boundaries of the area are defined by lines joining points with the following coordinates in the PL-1992 coordinate system:

No	X [PL-1992]	Y [PL-1992]
1	270 540,043	672 311,742
2	249 443,453	672 878,103
3	245 290,899	669 473,151
4	240 958,636	665 921,830
5	237 577,757	665 495,763
6	237 410,575	650 413,455
7	239 417,422	650 357,023

No	X [PL-1992]	Y [PL-1992]
8	238 508,655	648 788,837
9	243 613,841	646 403,423
10	249 610,064	642 378,845
11	272 901,839	642 324,883
12	275 644,856	655 439,420
13	281 714,994	660 677,582
14	281 732,174	663 835,806
15	277 531,651	670 376,646
16	271 201,938	670 339,108

with the exception of areas Nos 1-3, bounded by lines joining the following coordinates:

area No 1:

No	X [PL-1992]	Y [PL-1992]
1	253 717,84	659 764,02
2	251 939,39	662 811,64
3	250 457,41	663 851,33
4	249 458,27	663 878,05
5	249 431,37	662 878,69
6	250 913,54	661 839,11
7	252 329,78	659 091,17

area No 2:

No	X [PL-1992]	Y [PL-1992]
1	243 841,27	652 408,86
2	243 704,28	652 859,09
3	242 160,78	653 402,84
4	241 942,54	652 079,84
5	242 104,56	650 665,63
6	242 538,42	650 063,90
7	242 988,25	650 051,86

area No 3:

No	X [PL-1992]	Y [PL-1992]
1	239 836	658 121
2	239 517	658 892
3	240 337	660 407
4	240 349	661 365
5	239 838	661 533

No	X [PL-1992]	Y [PL-1992]
6	239 595	660 944
7	238 995	661 013
8	238 365	660 292
9	238 360	660 175
10	238 425	659 983
11	239 673	660 009
12	239 103	658 799
13	239 277	658 137

The surface area of the vertical projection of the area is 1 072,40 km^2.

Administrative location:

Małopolskie Province;

Dąbrowa District: rural municipalities of Mędrzechów, Radgoszcz and Olesno; urban-rural municipalities of Szczucin and Dąbrowa Tarnowska;

Tarnów District: rural municipalities of Lisia Góra, Tarnów and Skrzyszów;

Podkarpackie Province;

Mielec District: rural municipalities of Borowa, Czermin, Wadowice Górne and Mielec; urban-rural municipalities of Radomyśl Wielki and Przecław;

Dębica District: rural municipalities of Żyraków and Czarna; urban-rural municipality of Pilzno.

4) **Deadline for the submission of concession applications by other entities interested in the activity for which the concession is to be granted, not less than 90 days from the date of publication of the notice in the *Official Journal of the European Union***

Concession applications must be submitted to the Ministry of the Environment no later than 12:00 noon (CET/CEST) on the last day of the 180-day period commencing on the day following the date of publication of the notice in the *Official Journal of the European Union*.

5) **Assessment criteria for concession applications and specification of their weighting, set with due regard to Article 49k(1), (1a) and (3) of the Geological and Mining Law Act**

Applications received will be assessed on the basis of the following criteria:

30 % — scope and schedule of the geological works, including geological operations, or mining operations proposed;

20 % — scope and schedule of the mandatory collection of samples obtained during geological operations, including drill cores;

20 % — financial capacities offering an adequate guarantee that activities relating to, respectively, the prospection and exploration of hydrocarbon deposits and the extraction of hydrocarbons will be carried out, and in particular the sources and methods of financing the intended activities, including the share of own funds and external financing;

20 % — the proposed technology for conducting geological works, including geological operations, or mining operations;

5 % — technical capacities for, respectively, the prospection and exploration of hydrocarbon deposits and the extraction of hydrocarbons, and in particular the availability of appropriate technical, organisational, logistical and human resources potential (including 2 % for the scope of collaboration, with regard to the development and implementation of innovative solutions for the prospection, exploration and extraction of hydrocarbons, with scientific bodies active in research into the geology of Poland and analytical tools, technologies and methods for prospecting hydrocarbon deposits that take account of the specificity of Polish geological conditions and that may be applied in those conditions, included in the list of scientific bodies referred to in Article 49k(1) of the Geological and Mining Law Act);

5 % — experience in the prospection and exploration of hydrocarbon deposits or the extraction of hydrocarbons, ensuring safe operation, the protection of human and animal life and health, and environmental protection.

If, following the evaluation of applications on the basis of the criteria specified above, two or more bids obtain the same score, the amount of the fee for the establishment of mining usufruct rights due during the prospection and exploration phase will be used as an additional criterion allowing a final choice to be made between the bids concerned.

SECTION IV: ADDITIONAL INFORMATION

IV.1) **Applications should be sent to the following address:**

Ministerstwo Środowiska [Ministry of the Environment]
Departament Geologii i Koncesji Geologicznych [Geology and Geological Concessions Department]
ul. Wawelska 52/54
00-922 Warsaw
POLAND

IV.2) **Information may be obtained from:**

— the website of the Ministry of the Environment: https://www.gov.pl/web/srodowisko

— the Geology and Geological Concessions Department

Ministry of the Environment
ul. Wawelska 52/54
00-922 Warsaw
POLAND

Tel. +48 225792449

Fax +48 225792460

Email: sekretariat.dgk@srodowisko.gov.pl

IV.3) **Qualification decision:**

Concession applications may be submitted by entities in respect of which a decision has been issued confirming the positive outcome of a qualification procedure, as provided for in Article 49a(17) of the Geological and Mining Law Act.

IV.4) **Minimum fee for establishing mining usufruct rights:**

The minimum amount of the fee for establishing mining usufruct rights for the 'Żarówka' area during the five-year base period of the prospection and exploration phase is PLN 245 740,46 (two hundred and forty-five thousand, seven hundred and forty zlotys, forty-six grosz) per annum. The annual fee for establishing mining usufruct rights for the purpose of the prospection and exploration of minerals is indexed to average annual consumer price indices set cumulatively for the period from the conclusion of the agreement until the year preceding the date for payment of the fee, as announced by the President of the Central Statistical Office in the *Monitor Polski* (Official Gazette).

IV.5) **Granting of the concessions and establishment of mining usufruct**

The concession authority, having obtained the opinions or agreements required under the Geological and Mining Law Act, will grant concessions for the prospection and exploration of hydrocarbon deposits and the extraction of hydrocarbons:

1) to the entity whose concession application has been awarded the highest score, or

2) where a concession application submitted jointly by several entities is awarded the highest score, to the parties to the cooperation agreement – once that agreement has been submitted to the concession authority

   — and, at the same time, will not grant concessions to other entities (Article 49ee(1) of the Geological and Mining Law Act).

The concession authority will conclude a mining usufruct contract with the entity whose concession application has been awarded the highest score and, where a concession application submitted jointly by several entities is awarded the highest score, with all entities which submitted the joint application (Article 49ee(2) of the Geological and Mining Law Act). In order to be able to carry out activities involving the prospection and exploration of hydrocarbon deposits and the extraction of hydrocarbons in Poland, an operator must hold both mining usufruct rights and a concession.

IV.6) **Requirements to be met by concession applications and documents required from applicants:**

Article 49eb of the Geological and Mining Law Act specifies the component parts of the concession application.

The geological age of the formations where geological works will be carried out (geological purpose) should be indicated as the purpose of the works, including geological operations.

IV.7) **Minimum deposit exploration category:**

Category C is the minimum exploration category for oil and natural gas deposits in the 'Żarówka' area.

On behalf of the Minister
Ministry of the Environment

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9985 — GardaWorld/G4S)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 369/09)

1. On 23 October 2020, 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:

— Garda World Security Corporation ("GardaWorld", Canada), controlled by BC Partners LLP (United Kingdom) and Mr. Stephan Crétier, a Canadian citizen,

— G4S plc ("G4S", United Kingdon)

GardaWorld acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of G4S.

The concentration is accomplished by way of public bid announced on 30 September 2020.

2. The business activities of the undertakings concerned are:

— for GardaWorld: a security services and cash services company, offering physical security services, end-to-end cash management solutions and security risk management.

— for G4S: a global integrated security business, offering a broad range of security services around the world.

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.9985 — GardaWorld/G4S

([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

Prior notification of a concentration

(Case M.9609 — Mann Mobilia/Tessner Holding/Tejo/Roller)

(Text with EEA relevance)

(2020/C 369/10)

1. On 23 October 2020, 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:

— Mann Mobilia Beteiligungs GmbH ('Mann Mobilia', Germany), controlled by XXXLutz KG,

— Tessner Holding KG ('Tessner Holding', Germany),

— Tejo Möbel Management Holding GmbH & Co. KG ('Tejo', Germany), currently controlled by Tessner Holding,

— Roller GmbH & Co. KG ('Roller', Germany), currently controlled by Tessner Holding.

Mann Mobilia and Tessner Holding acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Tejo and Roller.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— Mann Mobilia: a subsidiary of the XXXLutz Group, which operates in several European countries as a retailer of furniture, furnishings and household goods,

— Tessner Holding: the parent company of the Tessner Group, which through, inter alia, Tejo and Roller operates primarily in Germany as a retailer of furniture, furnishings and household goods.

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. The following reference should always be specified:

M.9609 — Mann Mobilia/Tessner Holding/Tejo/Roller

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

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

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