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### Information and Notices

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

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

## IV

(Notices)

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

## EUROPEAN COMMISSION

**Euro exchange rates <sup>(1)</sup>****27 September 2012**

(2012/C 292/01)

**1 euro =**

Currency			Exchange rate		
Currency			Exchange rate		
USD	US dollar	1,2874	AUD	Australian dollar	1,2354
JPY	Japanese yen	99,98	CAD	Canadian dollar	1,2658
DKK	Danish krone	7,4560	HKD	Hong Kong dollar	9,9821
GBP	Pound sterling	0,79390	NZD	New Zealand dollar	1,5534
SEK	Swedish krona	8,4500	SGD	Singapore dollar	1,5812
CHF	Swiss franc	1,2084	KRW	South Korean won	1 437,65
ISK	Iceland króna		ZAR	South African rand	10,5499
NOK	Norwegian krone	7,3800	CNY	Chinese yuan renminbi	8,1150
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4550
CZK	Czech koruna	24,859	IDR	Indonesian rupiah	12 335,52
HUF	Hungarian forint	284,92	MYR	Malaysian ringgit	3,9604
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	53,928
LVL	Latvian lats	0,6963	RUB	Russian rouble	40,0350
PLN	Polish zloty	4,1436	THB	Thai baht	39,871
RON	Romanian leu	4,5185	BRL	Brazilian real	2,6136
TRY	Turkish lira	2,3038	MXN	Mexican peso	16,5225
			INR	Indian rupee	68,3290

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

**Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting on 7 March 2012 concerning a draft decision in Case COMP/39.452 (1) — Mountings for windows and window doors**

**Rapporteur: France**

(2012/C 292/02)

1. The Advisory Committee agrees with the European Commission's assessment of the facts as agreements and/or concerted practices within the meaning of Article 101 TFEU and Article 53 of the EEA Agreement.
  2. The Advisory Committee agrees that the complex of agreements and/or concerted practices constitutes a single and continuous cartel infringement in the sector of mountings for windows and window doors for the time frame in which it existed.
  3. The Advisory Committee agrees with the European Commission that the complex of agreements and/or concerted practices had the object of restricting competition.
  4. The Advisory Committee agrees with the European Commission's assessment on the duration of the infringement for each addressee.
  5. The Advisory Committee agrees with the European Commission's draft Decision as regards the conclusion that the agreements and/or concerted practices between the addressees were capable of having an appreciable effect upon trade between EU Member States and between contracting parties of the EEA-agreement.
  6. The Advisory Committee agrees with the European Commission's draft Decision as regards the addressees of the Decision, specifically with reference to imputation of liability to parent companies of the groups concerned.
  7. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
-

**Opinion of the Advisory Committee on restrictive agreements and dominant position at its meeting of 26 March 2012 concerning a draft decision relating to Case COMP/39.452 (2) — Mountings for windows and window doors**

**Rapporteur: France**

(2012/C 292/03)

1. The Advisory Committee agrees with the European Commission that a fine should be imposed on the addressees of the draft decision.
  2. The Advisory Committee agrees with the European Commission on the basic amounts of the fines.
  3. The Advisory Committee agrees with the European Commission that there are no aggravating circumstances applicable in this case.
  4. The Advisory Committee agrees with the European Commission on the mitigating circumstances.
  5. The Advisory Committee agrees with the European Commission on the adaptation of the fines based on point 37 of the 2006 Guidelines on Fines.
  6. The Advisory Committee agrees with the European Commission on the amounts of reduction of the fines based on the 2006 Leniency Notice.
  7. The Advisory Committee agrees with the European Commission's assessment on inability to pay.
  8. The Advisory Committee agrees with the European Commission on the final amounts of the fines.
  9. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
-

**Final Report of the Hearing Officer <sup>(1)</sup>**  
**COMP/39.452 — Mountings for windows and window doors**  
(2012/C 292/04)

This case concerns a cartel between nine producers of mountings for windows and window doors, the aim of which was to co-ordinate annually price increases on an EEA-wide level between 1999 and 2007.

**BACKGROUND**

Subsequent to an immunity application under the Leniency Notice from the company Roto Frank AG, unannounced inspections were carried out in July 2007. Following these inspections the Commission received further applications under the Leniency Notice from the undertakings Gretsch-Unitas GmbH and Mayer & Co Beschläge GmbH. The Commission granted conditional immunity to Roto Frank in June 2007.

**WRITTEN PROCEDURE**

**Statement of Objections**

Following the above-mentioned leniency applications and a subsequent investigation, the Commission, on 16 June 2010, issued a Statement of Objections (SO) which was addressed to 14 legal entities belonging to nine groups of undertakings <sup>(2)</sup>. In the SO, the Commission reached the preliminary conclusion that the addressees had participated in a single and continuous infringement of Article 101 TFEU and Article 53 of the EEA agreement between 1999 and 2007 by coordinating annual price increases within the EEA. The Commission announced its intention to adopt an infringement decision and impose fines pursuant to Articles 7 and 23 of Regulation (EC) No 1/2003.

**Access to file**

The addressees received access to the file through a CD-ROM which they received on 5 July 2010. In addition, access to corporate statements was granted at Commission premises.

The parties did not address any issues concerning access to file to me.

**Extensions to deadline for reply to SO**

The addressees of the SO were originally granted a time period of eight weeks from the receipt of the CD-ROM file to provide their written comments on the SO.

Several parties made requests to me for further extensions, which I partly accepted. Based on the respective parties' justifications the extensions ranged from one to three additional weeks, the latter extension mainly having been granted to allow for translation of the investigation file, which was largely comprised of documents in a language foreign to the applicant party.

All addressees responded on time.

As Strenger had changed its legal form in September 2010 by way of legal succession and was also renamed, the Commission informed Strenger of the fact that the decision will be addressed to the new entity and granted Strenger the opportunity to submit comments.

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

<sup>(2)</sup> Roto Frank AG (Roto), Gretsch-Unitas GmbH, Gretsch-Unitas GmbH Baubeschläge (Gretsch-Unitas), Mayer & Co Beschläge GmbH, Dipl. Ing. Ernst Mayer'sche Privatstiftung (Maco), Siegenia-Aubi KG, Siegenia-Frank Verwaltungs-GmbH, NORAA GmbH (Siegenia), Aug. Winkhaus GmbH & Co. KG (Winkhaus), Hautau GmbH (Hautau), Heinrich Strenger GmbH (Strenger), Carl Fuhr GmbH & Co. KG, Fuhr Beteiligungsgesellschaft mbH (Fuhr), Alban Giacomo SpA (AGB).

**ORAL PROCEDURE****Oral Hearing**

All undertakings subject to the proceedings exercised their right to be heard in an oral hearing, which took place on 19 October 2010.

**THE DRAFT DECISION**

Following the addressees' written and oral submissions, the Commission has retained its objections against all nine groups of undertakings but has dropped its objections against three legal entities, one belonging to each of Maco, Fuhr and Siegenia. With regard to the Italian company AGB, the duration of its infringement has been reduced by approximately eight months and covers only the territory of Italy.

In my opinion the draft Decision relates only to objections in respect of which the parties have been afforded the opportunity to make known their views.

I consider that the right to be heard of all participants to the proceedings has been respected in this case.

Brussels, 26 March 2012.

Michael ALBERS

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**Summary of Commission Decision****of 28 March 2012****relating to a proceeding under Article 101 of the Treaty <sup>(1)</sup> and Article 53 of the EEA Agreement****(Case COMP/39.452 — Mountings for windows and window doors)***(notified under document C(2012) 2069 final)***(Only the German and Italian texts are authentic)****(Text with EEA relevance)***(2012/C 292/05)*

On 28 March 2012, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty and Article 53 of the EEA Agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 <sup>(2)</sup>, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

**1. INTRODUCTION**

- (1) The Decision is addressed to 11 legal entities belonging to 9 undertakings for infringing Article 101 of the Treaty and Article 53 of the EEA Agreement. The parties operated a cartel in which they agreed on common price increases for mountings for windows and window doors. The cartel covered the whole EEA and had an overall duration from November 1999 until July 2007.

**2. CASE DESCRIPTION****2.1. Procedure**

- (2) The Commission's investigation started with an application for immunity from fines by Roto Frank AG. On 12 June 2007, Roto Frank AG received conditional immunity from fines.
- (3) Inspections took place on 3 and 4 July 2007.
- (4) In the course of the investigation, the Commission received applications under the Leniency Notice from Gretschi-Unitas GmbH, Gretschi-Unitas GmbH Baubeschlge and from Mayer & Co. Beschge GmbH.
- (5) The statement of objections in this case was issued on 16 June 2010. All parties submitted a reply to the statement of objections and exercised their right to be heard by participating at the oral hearing held on 19 October 2010.
- (6) The Advisory Committee on restrictive practices and dominant positions issued a favourable opinion on 7 and 26 March 2012.

**2.2. Addressees and duration of the infringement**

- (7) The following undertakings infringed Article 101 of the Treaty and Article 53 of the EEA Agreement, during the periods indicated, in the sector for mountings for windows and window doors in the whole EEA:
- (a) Roto Frank AG, 16 November 1999 until 4 May 2007;
- (b) Gretschi-Unitas GmbH, Gretschi-Unitas GmbH Baubeschlge, 16 November 1999 until 3 July 2007;
- (c) Mayer & Co. Beschge GmbH, 15 December 1999 until 3 July 2007;
- (d) Siegenia-Aubi KG, NORAA GmbH, 16 November 1999 until 3 July 2007;
- (e) Aug. Winkhaus GmbH & Co. KG, 16 November 1999 until 3 July 2007;
- (f) HAUTAU GmbH, 16 November 1999 until 3 July 2007;
- (g) CARL FUHR GmbH & Co. KG, 17 November 2004 until 3 July 2007;
- (h) Heinrich Strenger GmbH & Co. KG, 16 November 1999 until 3 July 2007.
- (8) Alban Giacomo SpA infringed Article 101 of the Treaty and Article 53 of the EEA Agreement from 27 May 2004 to 3 July 2007 in the sector of mountings for windows and window doors in Italy.

<sup>(1)</sup> With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and 102, respectively, of the Treaty on the Functioning of the European Union ('the Treaty'). The two sets of provisions are, in substance, identical. References to Articles 101 and 102 of the Treaty should be understood as references to Articles 81 and 82, respectively, of the EC Treaty where appropriate.

<sup>(2)</sup> OJ L 1, 4.1.2003, p. 1.



### 2.3. Summary of the infringement

- (9) The Decision concerns a single and continuous infringement of Article 101 of the Treaty and Article 53 of the EEA Agreement aiming at restricting price competition in the sector of mountings for windows and window doors in the EEA. Mountings are the mechanical parts which attach the window wing to the window frame and which enable the closing and opening of the window.
- (10) At the occasion of meetings of associations in Germany in November of each year the parties regularly agreed to increase prices by coordinating the amount (percentage or percentage range) and date of the envisaged price increase. There was a common understanding that the price increase agreed for Germany at these meetings was to be applied in the entire EEA, with adaptations to the specific situation of each country to the extent necessary. In addition to the main meetings in Germany in November, regional representatives met to discuss the application of the agreed price increase to their respective territory.

### 3. REMEDIES

- (11) The Decision applies the 2006 Fines Guidelines<sup>(1)</sup>. With the exception of Roto Frank AG, the Decision imposes fines on all companies listed under point 7 above.

#### 3.1. Basic amount of the fine

- (12) The basic amount of the fine is set at 16 % of the undertakings' sales of mountings for windows and window doors in the EEA in the year 2006. Only for Alban Giacomo SpA, the basic amount of the fine is set at 15 % of the undertaking's sales of mountings for windows and window doors in Italy in the year 2006.
- (13) For each party the basic amount is multiplied by the number of years of its participation in the infringement. The parties' individual duration of the infringement is the following:
- |  |                    |
|--|--------------------|
| (a) Roto Frank AG:   | 7 years, 5 months; |
| (b) Gretsch-Unitas GmbH, Gretsch-Unitas GmbH Baubeschläge: | 7 years, 7 months; |
| (c) Mayer & Co. Beschläge GmbH:                            | 7 years, 6 months; |
| (d) Siegenia-Aubi KG, NORAA GmbH:                          | 7 years, 7 months; |
| (e) Aug. Winkhaus GmbH & Co. KG:                           | 7 years, 7 months; |
| (f) HAUTAU GmbH:   | 7 years, 7 months; |
| (g) CARL FUHR GmbH & Co. KG:                               | 2 years, 7 months; |
| (h) Heinrich Strenger GmbH & Co. KG:                       | 7 years, 7 months; |
| (i) Alban Giacomo SpA:                                     | 3 years, 1 month.  |

### 3.2. Adjustments to the basic amount

- (14) No aggravating circumstances have been identified in this case. Aug. Winkhaus GmbH & Co. KG was granted a reduction of 5 % of the basic amount of the fine as a mitigating circumstance because it effectively cooperated with the Commission outside the scope of the Leniency Notice.

### 3.3. Application of point 37 of the 2006 Fines Guidelines

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

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

- (16) The final amounts of the fines prior to the application of the 2006 Leniency Notice are below 10 % of the worldwide turnover for all parties.

### 3.5. Application of the 2006 Leniency Notice

- (17) Roto Frank AG was the first undertaking to submit evidence which enabled the Commission to carry out a targeted inspection. The fine to be imposed on it was reduced by 100 %.
- (18) The fine to be imposed on Gretsch-Unitas GmbH, Gretsch-Unitas GmbH Baubeschläge was reduced by 45 %.
- (19) Mayer & Co. Beschläge GmbH was granted a 25 % reduction.

### 3.6. Inability to pay

- (20) One undertaking invoked its inability to pay under point 35 of the 2006 Fines Guidelines. The Commission carefully analysed the financial situation of the undertaking and the specific social and economic context. As a result of the Commission's analysis, the fine of this undertaking was reduced by 45 % given its difficult financial situation.

### 4. FINES IMPOSED BY THE DECISION

- (21) For the abovementioned infringement the following fines are imposed:

- |   |                 |
|---|-----------------|
| (a) Roto Frank AG:  | EUR 0;          |
| (b) Gretsch-Unitas GmbH, Gretsch-Unitas GmbH Baubeschläge, jointly and severally: | EUR 20 552 000; |
| (c) Mayer & Co. Beschläge GmbH:   | EUR 18 501 000; |

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

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(d) Siegenia-Aubi KG, NORAA GmbH, jointly and severally:	EUR 18 995 000;	(g) CARL FUHR GmbH & Co. KG:	EUR 2 215 000;
(e) Aug. Winkhaus GmbH & Co. KG:	EUR 19 537 000;	(h) Heinrich Strenger GmbH & Co. KG:	EUR 104 000;
(f) HAUTAU GmbH:	EUR 3 179 000;	(i) Alban Giacomo SpA:	EUR 2 793 000.

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## NOTICES FROM MEMBER STATES

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

(2012/C 292/06)

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	31.8.2012
Duration	31.8.2012-31.12.2012
Member State	Germany
Stock or group of stocks	RED/N3M
Species	Redfish ( <i>Sebastes</i> spp.)
Zone	NAFO 3M
Type(s) of fishing vessels	—
Reference number	FS37TQ44

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

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

(2012/C 292/07)

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	21.8.2012
Duration	21.8.2012-31.12.2012
Member State	Portugal
Stock or group of stocks	RED/N3M
Species	Redfish ( <i>Sebastes</i> spp.)
Zone	NAFO 3M
Type(s) of fishing vessels	—
Reference number	FS38TQ44

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

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

(2012/C 292/08)

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

Date and time of closure	3.9.2012
Duration	3.9.2012-31.12.2012
Member State	Sweden
Stock or group of stocks	COD/2A3AX4
Species	Cod ( <i>Gadus Morhua</i> )
Zone	IV; EU waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat
Type(s) of fishing vessels	—
Reference number	FS39TQ44

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

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

(2012/C 292/09)

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	21.8.2012
Duration	21.8.2012-31.12.2012
Member State	Portugal
Stock or group of stocks	COD/1N2AB.
Species	Cod ( <i>Gadus morhua</i> )
Zone	Norwegian waters of I and II
Type(s) of fishing vessels	—
Reference number	FS40TQ44

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

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

(2012/C 292/10)

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	21.8.2012
Duration	21.8.2012-31.12.2012
Member State	Portugal
Stock or group of stocks	HAD/1N2AB.
Species	Haddock ( <i>Melanogrammus aeglefinus</i> )
Zone	Norwegian waters of I and II
Type(s) of fishing vessels	—
Reference number	FS41TQ44

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

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

(2012/C 292/11)

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	21.8.2012
Duration	21.8.2012-31.12.2012
Member State	Portugal
Stock or group of stocks	POK/1N2AB.
Species	Saithe ( <i>Pollachius virens</i> )
Zone	Norwegian waters of I and II
Type(s) of fishing vessels	—
Reference number	FS42TQ44

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

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

(2012/C 292/12)

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	30.8.2012
Duration	30.8.2012-31.12.2012
Member State	Denmark
Stock or group of stocks	LEZ/2AC4-C
Species	Megrim ( <i>Lepidorhombus</i> spp.)
Zone	EU waters of IIa and IV
Type(s) of fishing vessels	—
Reference number	FS43TQ43

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

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

(2012/C 292/13)

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	7.9.2012
Duration	7.9.2012-31.12.2012
Member State	Belgium
Stock or group of stocks	HAD/7X7A34
Species	Haddock ( <i>Melanogrammus aeglefinus</i> )
Zone	VIIb-k, VIII, IX and X; EU waters of CECAF 34.1.1
Type(s) of fishing vessels	—
Reference number	FS45TQ43

<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 COMP/M.6713 — Tech Data/Specialist Distribution Group/ETC Metrologie/BestWare France/  
SDG B.V.)****(Text with EEA relevance)**

(2012/C 292/14)

1. On 19 September 2012, 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 Tech Data Europe GmbH ('Tech Data Europe', Germany) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the undertakings Specialist Distribution Group Limited (United Kingdom) and its wholly-owned subsidiary ISI Distribution Ltd (United Kingdom), ETC Metrologie Sarl (France), ETC Africa SAS (France), BestWare France SA (France), SDG B.V. (The Netherlands) and its wholly-owned subsidiary ETC B.V. (The Netherlands), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Tech Data Europe: wholesale distribution of electronic products, in particular IT products,
- Specialist Distribution Group Limited and ISI Distribution Ltd: wholesale distribution of IT products in the United Kingdom,
- ETC Metrologie Sarl and BestWare France SA: wholesale distribution of IT products in France,
- ETC Africa SAS: wholesale distribution of IT products in Africa,
- SDG B.V. and ETC B.V.: wholesale distribution of IT products in the Netherlands.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC 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.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6713 — Tech Data/Specialist Distribution Group/ETC Metrologie/BestWare France/SDG B.V., to the following address:

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