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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN COMMISSION

COMMISSION OPINION

of 26 February 2015

relating to the plan for the disposal of radioactive waste arising from the European Spallation Source Facility (Linear Accelerator), located at Lund in Sweden**(Only the Swedish text is authentic)**

(2015/C 72/01)

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation ⁽¹⁾.

On 25 September 2013, the European Commission received from the Swedish Government, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste arising from the European Spallation Source Facility (Linear Accelerator).

On the basis of these data and additional information requested by the Commission on 18 October 2013 and on 22 September 2014 and provided by the Swedish authorities on 2 September 2014 and on 22 October 2014, and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance from the site to the nearest border of another Member State, in this case Denmark is approximately 30 km.
2. Under normal operating conditions the discharges of liquid and gaseous radioactive effluents are not liable to cause an exposure of the population in another Member State that would be significant from the point of view of health.
3. Secondary solid radioactive waste will be temporarily stored on site before being shipped to authorised treatment or disposal facilities located in Sweden.
4. In the event of unplanned releases of radioactive effluents which may follow the accidents of the type and magnitude considered in the General Data, the doses likely to be received by the population in another Member State would not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the European Spallation Source Facility, located at Lund in Sweden, both in

⁽¹⁾ For instance, under the Treaty on the Functioning of the European Union, environmental aspects should be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, as well as to the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

normal operation and in the event of accidents of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

Done at Brussels, 26 February 2015.

For the Commission

Miguel ARIAS CAÑETE

Member of the Commission

COMMISSION OPINION**of 26 February 2015****on the draft amended Regulation of the European Central Bank concerning statistics on holdings of securities**

(2015/C 72/02)

Introduction

On 15 January 2015, the Commission received a request from the European Central Bank (ECB) for an opinion on a draft amended Regulation concerning statistics on holdings of securities.

The Commission welcomes this request and recognises that the ECB hereby acts in accordance with its obligation to consult the Commission on draft ECB regulations whenever links with the statistical requirements of the Commission exist as laid down in Article 5(2) of Council Regulation (EC) No 2533/98 concerning the collection of statistical information by the ECB ⁽¹⁾, in order to guarantee the coherence necessary to produce statistics meeting the respective information requirements of the ECB and of the Commission. A good cooperation between the ECB and the Commission is beneficial for both institutions as well as for users and respondents by allowing a more efficient production of European statistics.

The Commission recognizes the importance of adequate data and statistics for the prudential supervision of financial institutions to monitor the size of and movements in holdings of securities, both domestic and cross-border, as well as the type of instruments. Moreover, the Commission shares the assessment as laid down in recital 3 of the draft regulation that risk propagation dynamics could not correctly be assessed during the financial crisis, inter alia, due to lack of granular data on bilateral risk exposures and contagion channels.

The Commission therefore fully supports the principle of developing a security-by-security database, including who-to-whom information, due to its role in supporting supervision of financial institutions and markets. In addition, such data which provides a very high degree of accuracy, can serve many additional statistical uses, also in view of its being embedded and linked to other sets of statistical information and their common definitions. In this context, the Commission notes with satisfaction that the draft amended ECB Regulation concerning statistics on holdings of securities gives due consideration to the new European system of accounts (ESA 2010), established by Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union ⁽²⁾.

Comments on and proposed changes to the legislative proposal

The draft amended ECB Regulation concerning statistics on holdings of securities aims above all to introduce the direct reporting of insurance corporations. The Commission welcomes the increase in data coverage expected as a result, as insurance corporations are significant holders of securities.

The Commission is aware of the need to limit, where possible, the reporting burden of institutional units for statistical purposes. Under this proposed legislation the ECB has taken into account the fact that data will be collected from insurance corporations in the framework of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) ⁽³⁾.

The emerging granular landscape of the financial sector will also be of relevance for financial regulation at different stages, e.g. in the context of Impact Assessments attached to legislative proposals of the Commission, as well as in the context of *ex-post* reviews of existing legislation cited in the draft regulation. In this context, the Commission reserves itself the possibility, once the revised reporting obligations have entered into force, to carry out an assessment if the statistics are fit for purpose also with respect to these important uses in the design and review of existing and future financial regulation.

As a general remark, the citations in the beginning of the Preamble ('Having regard to') should be brought in line with inter-institutionally agreed practice and thus be limited to the legal basis (i.e. the provision(s) which actually confer competence on the institution to adopt the envisaged act) and, where appropriate, references to the proposal, procedure and opinions. With respect to the legal basis, after a general reference to the Treaty on the Functioning of the European Union, reference should therefore be made only to Articles 5(1) and 6(4) of Regulation (EC) No 2533/98. Neither

⁽¹⁾ OJ L 318, 27.11.1998, p. 8.

⁽²⁾ OJ L 174, 26.6.2013, p. 1.

⁽³⁾ OJ L 335, 17.12.2009, p. 1.

Article 5 of the Statute of the ESCB and the ECB, nor Regulation (EU) No 549/2013, Directive 2014/65/EU of the European Parliament and of the Council ⁽¹⁾, Directive 2013/36/EU of the European Parliament and of the Council ⁽²⁾ or the ECB Regulations cited can be considered as legal bases for the draft amended ECB Regulation. If a reference to these other provisions and instruments are deemed useful for a proper understanding of the enacting terms of the draft amended ECB Regulation, they may be referred to in the recitals.

Conclusion

The Commission supports the draft amended ECB Regulation, as it should result in the availability of a more complete set of data on securities holdings, of high importance to stakeholders which include the Commission itself.

Done at Brussels, 26 February 2015.

For the Commission

Marianne THYSEN

Member of the Commission

⁽¹⁾ OJ L 173, 12.6.2014, p. 349.

⁽²⁾ OJ L 176, 27.6.2013, p. 338.

II

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

EUROPEAN COMMISSION

Initiation of proceedings**(Case M.7408 — Cargill/ADM Chocolate Business)****(Text with EEA relevance)**

(2015/C 72/03)

On 23 February 2015, the Commission decided to initiate proceedings in the above-mentioned case after finding that the notified concentration raises serious doubts as to its compatibility with the internal market. The initiation of proceedings opens a second phase investigation with regard to the notified concentration, and is without prejudice to the final decision on the case. The decision is based on Article 6(1)(c) of Council Regulation (EC) No 139/2004 ⁽¹⁾.

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

In order to be fully taken into account in the procedure, observations should reach the Commission not later than 15 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301) or by post, under reference number M.7408 — Cargill/ADM Chocolate Business, 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⁾

27 February 2015

(2015/C 72/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,1240	CAD Canadian dollar	1,3995
JPY Japanese yen	134,05	HKD Hong Kong dollar	8,7167
DKK Danish krone	7,4660	NZD New Zealand dollar	1,4849
GBP Pound sterling	0,72780	SGD Singapore dollar	1,5289
SEK Swedish krona	9,3693	KRW South Korean won	1 236,16
CHF Swiss franc	1,0636	ZAR South African rand	13,0684
ISK Iceland króna		CNY Chinese yuan renminbi	7,0485
NOK Norwegian krone	8,5740	HRK Croatian kuna	7,6885
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	14 555,96
CZK Czech koruna	27,438	MYR Malaysian ringgit	4,0576
HUF Hungarian forint	303,03	PHP Philippine peso	49,486
PLN Polish zloty	4,1524	RUB Russian rouble	69,2000
RON Romanian leu	4,4413	THB Thai baht	36,336
TRY Turkish lira	2,8300	BRL Brazilian real	3,2579
AUD Australian dollar	1,4358	MXN Mexican peso	16,8723
		INR Indian rupee	69,4822

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

Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 17 October 2014 concerning a preliminary draft decision relating to Case AT.39924 — Swiss Franc Interest Rate Derivatives

(CHF LIBOR)

Rapporteur: Netherlands

(2015/C 72/05)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the two draft decisions constitutes agreements and/or concerted practices between relevant undertakings within the meaning of Article 101 of the TFEU and Article 53 EEA.
 2. The Advisory Committee agrees with the Commission's assessment of the product and geographic scope of the agreements and/or concerted practices contained in the two draft decisions.
 3. The Advisory Committee agrees with the Commission that the undertakings concerned by the two draft decisions have participated in that infringement/those infringements as described in the two draft decisions.
 4. The Advisory Committee agrees with the Commission that the object of the agreements and/or concerted practices for the two infringements described in the two draft decisions was to restrict competition within the meaning of Article 101 of the TFEU and Article 53 EEA.
 5. The Advisory Committee agrees with the Commission that the agreements and/or concerted practices described in the two draft decisions have been capable of appreciably affecting trade between the Member States of the EU.
 6. The Advisory Committee agrees with the Commission's assessment as regards the duration for the infringements described in the two draft decisions.
 7. The Advisory Committee agrees with the Commission as regards the addressees of the two draft decisions.
 8. The Advisory Committee agrees with the Commission that fines should be imposed on the addressees of the two draft decisions.
 9. The Advisory Committee agrees with the Commission on the application of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003 for the two draft decisions.
 10. The Advisory Committee agrees with the Commission on the basic amounts of the fines for the two draft decisions.
 11. The Advisory Committee agrees with the determination of the duration for the purpose of calculating the fines for the two decisions.
 12. The Advisory Committee agrees with the Commission as regards the reductions of the fines based on the 2006 Leniency Notice for the two draft decisions.
 13. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice for the two decisions.
 14. The Advisory Committee agrees with the Commission on the final amounts of the fines for the two decisions.
 15. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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Final Report of the Hearing Officer ⁽¹⁾
Swiss Franc Interest Rate Derivatives
(CHF LIBOR)
(AT.39924)
(2015/C 72/06)

On 24 July 2013, the European Commission ('Commission') initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 ⁽²⁾ against The Royal Bank of Scotland Group plc, The Royal Bank of Scotland plc ('RBS'), JPMorgan Chase & Co, and JPMorgan Chase Bank National Association ('JPMorgan') (together 'the Parties').

Following settlement discussions and settlement submissions in accordance with Article 10a(2) of Regulation (EC) No 773/2004 ⁽³⁾, the Commission adopted a Statement of Objections ('SO'), on 23 September 2014, stating that RBS and JPMorgan had participated between 6 March 2008 and 13 July 2009 in an infringement of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement.

The infringement concerns the market for Swiss Franc Interest Rate Derivatives ('CHIRDS'). According to the SO the Parties engaged in anticompetitive practices which constituted an interrelated string of occurrences united by the common objective of the restriction and/or distortion of competition in the CHIRDS sector. To this end, the Parties discussed CHF Libor submissions in the understanding that this might be beneficial to the CHIRDS trading position of at least one of the traders involved in the communications. These discussions were occasionally complemented by an exchange of information concerning current and future trading positions and intended prices.

The Parties' respective replies to the SO confirmed that the SO addressed to them reflected the contents of their settlement submissions.

Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision addressed to the Parties deals only with objections in respect of which the Parties have been afforded the opportunity of making known their views, and I have come to a positive conclusion.

In view of the above, and taking into account that the Parties have not addressed any requests or complaints to me ⁽⁴⁾, I consider that the effective exercise of their procedural rights in this case has been respected.

Brussels, 17 October 2014.

Wouter WILS

⁽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).

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ Under Article 15(2) of Decision 2011/695/EU, parties to the proceedings in cartel cases which engage in settlement discussions pursuant to Article 10a of Regulation (EC) No 773/2004, may call upon the hearing officer at any stage during the settlement procedure in order to ensure the effective exercise of their procedural rights. See also paragraph 18 of Commission Notice 2008/C 167/01 on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of Council Regulation (EC) No 1/2003 in cartel cases (OJ C 167, 2.7.2008, p. 1).

Summary of Commission Decision
of 21 October 2014
(Case AT.39924 — Swiss Franc Interest Rate Derivatives)
(CHF LIBOR)
(notified under document C(2014) 7605)
(Only the English text is authentic)
(2015/C 72/07)

On 21 October 2014, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (the 'Treaty') and Article 53 of the Agreement creating the European Economic Area (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 relates to a single and continuous infringement. The addressees of the Decision participated in an infringement of Article 101 of the Treaty and Article 53 of the EEA Agreement. The object of the infringement was the restriction and/or distortion of competition in relation to Swiss Franc Interest Rate Derivatives (hereinafter referred to as 'CHIRDs'), referenced to the Swiss Franc LIBOR ('CHF Libor').
- (2) During the period of the infringement, CHF Libor was the reference interest rate for many financial instruments denominated in Swiss Francs. CHF Libor was set by the British Bankers Association (BBA) ⁽²⁾. The rate was set daily for different tenors (loan maturities) on the basis of submissions from banks that were members of the CHF Libor panel. These banks were asked to submit each business day, before a certain time, estimates of interest rates at which they believe they could borrow unsecured funds in a reasonable market size on the London interbank money market, at various tenors. The BBA's calculation agent Thomson Reuters then calculated, on the basis of an average of these submissions, while excluding the three highest and three lowest submissions, the daily CHF Libor rate for each tenor. The resulting rates were immediately published and available to the public each business day. At the time of the infringement there were twelve banks on the CHF Libor panel, including the two participants to this infringement.
- (3) CHF Libor rates are, inter alia, reflected in the pricing of CHIRDs, which are financial products that are used by corporations, financial institutions, hedge funds, and other global undertakings to manage their interest rate risk exposure (hedging, for both borrowers and investors), to generate fees as an intermediary or for speculation purposes ⁽³⁾.
- (4) The most common CHIRDs are: (i) forward rate agreements; (ii) interest rate swaps; (iii) interest rate options; and (iv) interest rate futures. CHIRDs are traded across the EEA and may be traded over the counter (OTC) or, in the case of interest rate futures, exchange traded.
- (5) The Decision is addressed to (hereinafter 'the addressees'):
 - The Royal Bank of Scotland Group plc and The Royal Bank of Scotland plc (hereinafter 'RBS'), and
 - JPMorgan Chase & Co. and JPMorgan Chase Bank, National Association (hereinafter 'JPMorgan').

2. CASE DESCRIPTION

2.1. Procedure

- (6) The case was opened on the basis of an immunity application by RBS on 9 August 2011. On [...], JPMorgan applied for a reduction of fines under the Leniency Notice.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ Following the Wheatley Review of 2012, the UK Government recommended a new set of institutions to administer and oversee Libor.

⁽³⁾ The different CHF Libor tenors are reflected in the pricing of CHIRDs. The respective CHF LIBOR tenor which is resetting on a specific date may affect either the cash flow a bank receives from the counterparty to the CHIRD, or the cash flow a bank needs to pay to the counterparty to the CHIRD.

- (7) On 24 July 2013, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 against the addressees of the Decision with a view to engaging in settlement discussions with them. Settlement meetings with the parties took place and the parties subsequently submitted to the Commission their formal requests to settle pursuant to Article 10a(2) of Regulation (EC) No 773/2004 ⁽¹⁾, solely for the purpose of reaching a settlement with the Commission in the present proceeding and without prejudice to any other proceedings (the 'settlement submissions').
- (8) On 23 September 2014, the Commission adopted a Statement of Objections and both parties confirmed that it reflected the contents of their settlement submissions and that they remained committed to following the settlement procedure. The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 17 October 2014 and the Commission adopted the Decision on 21 October 2014.

2.2. Addressees and duration

- (9) The four addressees of the Decision have participated in a cartel, infringing therefore Article 101 of the Treaty and Article 53 of the EEA Agreement in the period from 6 March 2008 to 13 July 2009.

2.3. Summary of the infringement

- (10) The parties to the infringement engaged in the following anti-competitive conduct: in the period from 6 March 2008 to 13 July 2009, a trader at JPMorgan discussed on certain occasions with a trader at RBS mainly 3 month and 6 month forthcoming CHF Libor submissions of RBS in the understanding that this might be beneficial to the CHIRD trading position of at least one of the traders involved in the communications. To this end, the trader at RBS approached, or indicated willingness to approach, the CHF Libor submitter at RBS to request a submission to the BBA towards a certain direction or on a few occasions at a specific level. These discussions of a trader at RBS and a trader at JPMorgan were occasionally complemented by an exchange of information concerning current and future trading positions and intended prices.
- (11) The geographic scope of the infringement covered the entire EEA.

2.4. Remedies

- (12) The Decision applies the 2006 Guidelines on Fines ⁽²⁾. The Decision imposes fines on the two JPMorgan entities listed in point (5) above.

2.4.1. Basic amount of the fine

- (13) The basic amount of the fine to be imposed on the undertakings concerned is to be set by reference to the value of sales, the fact that the infringement is by its very nature amongst the most harmful restrictions of competition, the duration and geographic scope of the cartel, the fact that the collusive activities related to financial benchmarks and an additional amount to deter undertakings from entering into such illegal practices.
- (14) The Commission normally takes the sales made by the undertakings during the last full business year of their participation in the infringement ⁽³⁾. It may however depart from this practice, should another reference period be more appropriate in view of the characteristics of the case ⁽⁴⁾.
- (15) With respect to this infringement, the Commission calculated the annual value of sales for JPMorgan and RBS on the basis of the cash flows that each bank received, from its respective portfolio of CHIRDS referenced to CHF Libor and entered into with EEA-located counterparties, during the months corresponding to their participation in the infringement, which are subsequently annualised. These values of sales were discounted by a uniform factor to take account of the particularities of the CHIRDS industry, such as the netting inherent in this industry, meaning that banks both sell and buy derivatives so that the incoming payments are netted against outgoing payments.

2.4.2. Adjustment to the basic amount: aggravating or mitigating circumstances

- (16) The Commission did not apply any aggravating or mitigating circumstances.

⁽¹⁾ 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 Treaty establishing the European Community (OJ L 123, 27.4.2004, p. 18).

⁽²⁾ OJ C 210, 1.9.2006, p. 2.

⁽³⁾ Point 13 of the Guidelines on fines.

⁽⁴⁾ Case T-76/06, *Plásticos Españoles (ASPLA) v Commission*, not yet reported, paragraphs 111-113.

2.4.3. Application of the 10 % turnover limit

- (17) Article 23(2) of Regulation (EC) No 1/2003 provides that the fine imposed on each undertaking for each infringement shall not exceed 10 % of its total turnover relating to the business year preceding the date of the Commission decision.
- (18) In this case, none of the fines exceed 10 % of an undertaking's total turnover relating to the business year preceding the date of this Decision.

2.4.4. Application of the 2006 Leniency Notice

- (19) The Commission granted full immunity from fines to RBS. The Commission also granted a 40 % reduction of the fine to JPMorgan for its cooperation in the investigation.

2.4.5. Application of the Settlement Notice

- (20) As a result of the application of the Settlement Notice, the amount of the fines to be imposed on both parties was reduced by 10 % and this reduction was added to any leniency reward.

3. CONCLUSION

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

Undertaking	Fines (in EUR)
RBS	0
JPMorgan	61 676 000

Opinion of the Advisory Committee on restrictive agreements and dominant position given at its meeting of 17 October 2014 concerning a preliminary draft decision relating to Case AT.39924 — Swiss Franc Interest Rate Derivatives

(Bid Ask Spread Infringement)

Rapporteur: Netherlands

(2015/C 72/08)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the two draft decisions constitutes agreements and/or concerted practices between relevant undertakings within the meaning of Article 101 of the TFEU and Article 53 EEA.
 2. The Advisory Committee agrees with the Commission's assessment of the product and geographic scope of the agreements and/or concerted practices contained in the two draft decisions.
 3. The Advisory Committee agrees with the Commission that the undertakings concerned by the two draft decisions have participated in that infringement/those infringements as described in the two draft decisions.
 4. The Advisory Committee agrees with the Commission that the object of the agreements and/or concerted practices for the two infringements described in the two draft decisions was to restrict competition within the meaning of Article 101 of the TFEU and Article 53 EEA.
 5. The Advisory Committee agrees with the Commission that the agreements and/or concerted practices described in the two draft decisions have been capable of appreciably affecting trade between the Member States of the EU.
 6. The Advisory Committee agrees with the Commission's assessment as regards the duration for the infringements described in the two draft decisions.
 7. The Advisory Committee agrees with the Commission as regards the addressees of the two draft decisions.
 8. The Advisory Committee agrees with the Commission that fines should be imposed on the addressees of the two draft decisions.
 9. The Advisory Committee agrees with the Commission on the application of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003 for the two draft decisions.
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 15. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
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Final Report of the Hearing Officer ⁽¹⁾
Swiss Franc Interest Rate Derivatives
(Bid Ask Spread Infringement)
(AT.39924)
(2015/C 72/09)

On 24 July 2013, the European Commission ('Commission') initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 ⁽²⁾ against The Royal Bank of Scotland Group plc, The Royal Bank of Scotland plc, UBS AG, JPMorgan Chase & Co, JPMorgan Chase Bank, National Association, Credit Suisse Group AG, Credit Suisse International and Credit Suisse Securities (Europe) Limited (together 'the Parties').

Following settlement discussions and settlement submissions in accordance with Article 10a(2) of Regulation (EC) No 773/2004 ⁽³⁾, the Commission adopted a Statement of Objections ('SO'), on 23 September 2014, stating that the Parties had participated from 7 May to 25 September 2007 in an infringement of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement.

The infringement relates to certain short term over the counter Swiss Franc Interest Rate Derivatives of a maturity of up to 24 months ('ST OTC CHIRDS'). The Parties agreed to quote to third parties wider, fixed bid-ask-spreads on the relevant ST OTC CHIRDS, whilst maintaining narrower spreads for trades amongst themselves. The aim of these contacts was, firstly, to lower the Parties' own transaction costs and maintain liquidity between each other whilst seeking to impose wider spreads on third parties and thus increase their profits. Secondly, the Parties aimed at impeding the ability of other market players to compete on the same terms as them.

The Parties' respective replies to the SO confirmed that the SO addressed to them reflected the contents of their settlement submissions.

Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision addressed to the Parties deals only with objections in respect of which the Parties have been afforded the opportunity of making known their views, and I have come to a positive conclusion.

In view of the above, and taking into account that the Parties have not addressed any requests or complaints to me ⁽⁴⁾, I consider that the effective exercise of their procedural rights in this case has been respected.

Brussels, 17 October 2014.

Wouter WILS

⁽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).

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ Under Article 15(2) of Decision 2011/695/EU, parties to the proceedings in cartel cases which engage in settlement discussions pursuant to Article 10a of Regulation (EC) No 773/2004, may call upon the hearing officer at any stage during the settlement procedure in order to ensure the effective exercise of their procedural rights. See also paragraph 18 of Commission Notice 2008/C 167/01 on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of Council Regulation (EC) No 1/2003 in cartel cases (OJ C 167, 2.7.2008, p. 1).

Summary of Commission Decision
of 21 October 2014
(Case AT.39924 — Swiss Franc Interest Rate Derivatives)
(Bid Ask Spread Infringement)
(notified under document C(2014) 7602)
(Only the English text is authentic)
(2015/C 72/10)

On 21 October 2014, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (the 'Treaty') and Article 53 of the Agreement creating the European Economic Area (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 relates to a single and continuous infringement. The addressees of the Decision participated in an infringement of Article 101 of the Treaty and Article 53 of the EEA Agreement in the sector of certain short term over the counter Swiss Franc Interest Rate Derivatives of a maturity of up to 24 months ('ST OTC CHF Interest Rate Derivatives' or 'ST OTC CHIRDS' for short).
- (2) ST OTC CHIRDS are financial products that are used by corporations, financial institutions, hedge funds, and other global undertakings to manage their interest rate risk exposure (hedging, for both borrowers and investors) and to generate fees as an intermediary or for speculation purposes. According to the Bank for International Settlements OTC derivatives statistics, interest rate derivatives, which include ST OTC CHIRDS, constitute the largest segment of all OTC derivatives products. In June 2013, outstanding CHF denominated interest rate derivatives had a gross market value of USD 113 billion ⁽²⁾.
- (3) The specific types of ST OTC CHIRDS concerned by the infringement were limited to: (i) forward rate agreements ⁽³⁾ (referenced to Swiss Franc LIBOR) and (ii) swaps ⁽⁴⁾, which include overnight index swaps (referenced to the Swiss Franc TOIS ⁽⁵⁾) and interest rate swaps (referenced to Swiss Franc LIBOR).
- (4) The Decision is addressed to (hereinafter 'the addressees'):
 - The Royal Bank of Scotland Group plc and The Royal Bank of Scotland plc (hereinafter 'RBS'),
 - UBS AG (hereinafter 'UBS'),
 - JPMorgan Chase & Co. and JPMorgan Chase Bank, National Association (hereinafter 'JPMorgan'), and
 - Credit Suisse Group AG, Credit Suisse International and Credit Suisse Securities (Europe) Limited (hereinafter 'Credit Suisse').

2. CASE DESCRIPTION

2.1. Procedure

- (5) The case was opened on the basis of an immunity application by RBS on 9 August 2011. On [...], UBS applied for a reduction of fines under the Leniency Notice and on [...], JPMorgan applied for a reduction of fines under the Leniency Notice.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ Bank for International Settlements; <http://www.bis.org/statistics/dt21a21b.pdf>

⁽³⁾ A forward rate agreement is an agreement between two counterparties to fix the interest rate today for a certain time period in the future and payable on a specified notional amount.

⁽⁴⁾ A swap is an agreement in which two counterparties agree to exchange (or swap), at specific intervals and for a set term, streams of future interest rate payments.

⁽⁵⁾ TOIS is the Swiss Franc Tomorrow/next unsecured lending rate. It is used as reference rate for Swiss Franc denominated overnight index swaps.

- (6) On 24 July 2013, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 against the addressees of the Decision with a view to engaging in settlement discussions with them. Settlement meetings with the parties took place and the parties subsequently submitted to the Commission their formal requests to settle pursuant to Article 10a(2) of Regulation (EC) No 773/2004 ⁽¹⁾, solely for the purpose of reaching a settlement with the Commission in the present proceeding and without prejudice to any other proceedings (the 'settlement submissions').
- (7) On 23 September 2014, the Commission adopted a Statement of Objections and all of the parties confirmed that it reflected the contents of their settlement submissions and that they remained committed to following the settlement procedure. The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 17 October 2014 and the Commission adopted the Decision on 21 October 2014.

2.2. Addressees and Duration

- (8) The eight addressees of the Decision have participated in a cartel, infringing therefore Article 101 of the Treaty and Article 53 of the EEA Agreement in the period from 7 May 2007 to 25 September 2007.

2.3. Summary of the Infringement

- (9) The parties to the infringement — RBS, UBS, JPMorgan and Credit Suisse — engaged in the following anti-competitive conduct: traders at RBS, UBS, JPMorgan and Credit Suisse agreed to quote wider, fixed bid ask spreads on the relevant ST OTC CHIRDS for trades with third parties (including interdealer brokers), whilst maintaining narrower bid-ask-spreads for trades amongst themselves. The term bid ask spread refers to the difference between the bid price and the ask price quoted on a particular contract. The bid price is the price at which a trader is willing to buy a particular contract, and the ask price is the price at which a trader is willing to sell a particular contract. The aim of these contacts was to lower the banks' own transaction costs and maintain liquidity between each other whilst seeking to impose wider spreads on third parties and thus increase the banks' profits. An associated objective of this collusive behaviour was to impede the ability of other market players to compete on the same terms as the main four players.
- (10) The geographic scope of the infringement covered the entire EEA.

2.4. Remedies

- (11) The Decision applies the 2006 Guidelines on Fines ⁽²⁾. With the exception of RBS, the Decision imposes fines on all the entities listed in point (4) above.

2.4.1. Basic amount of the Fine

- (12) The basic amount of the fine to be imposed on the undertakings concerned is to be set by reference to the value of sales, the fact that the infringement is by its very nature amongst the most harmful restrictions of competition, the duration and geographic scope of the cartel and an additional amount to deter undertakings from entering into such illegal practices.
- (13) The Commission normally takes the sales made by the undertakings during the last full business year of their participation in the infringement ⁽³⁾. It may however depart from this practice, should another reference period be more appropriate in view of the characteristics of the case ⁽⁴⁾.
- (14) With respect to this infringement, the Commission calculated the annual value of sales for RBS, UBS, JPMorgan and Credit Suisse on the basis of the notional amounts traded of the ST OTC CHIRDS contracts referenced to Swiss Franc LIBOR or to Swiss Franc TOIS and entered into with EEA-located counterparties during the months corresponding to the undertakings' participation in the infringement, which are subsequently annualised. In recognition of the particular characteristics of the ST OTC CHIRDS sector and of the nature of the infringement, the Commission reduced these notional amounts by applying a uniform factor representing the bid ask spread.

2.4.2. Adjustment to the basic amount: aggravating or mitigating circumstances

- (15) The Commission did not apply any aggravating or mitigating circumstances.

⁽¹⁾ 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 Treaty establishing the European Community (OJ L 123, 27.4.2004, p. 18).

⁽²⁾ OJ C 210, 1.9.2006, p. 2.

⁽³⁾ Point 13 of the Guidelines on fines.

⁽⁴⁾ Case T-76/06, *Plásticos Españoles (ASPLA) v Commission*, not yet reported, paragraphs 111-113.

2.4.3. Application of the 10 % turnover limit

- (16) Article 23(2) of Regulation (EC) No 1/2003 provides that the fine imposed on each undertaking for each infringement shall not exceed 10 % of its total turnover relating to the business year preceding the date of the Commission decision.
- (17) In this case, none of the fines exceed 10 % of an undertaking's total turnover relating to the business year preceding the date of this Decision.

2.4.4. Application of the 2006 Leniency Notice

- (18) The Commission granted full immunity from fines to RBS. The Commission also granted a 30 % reduction of the fine to UBS and a 25 % reduction of the fine to JPMorgan for their cooperation in the investigation.

2.4.5. Application of the Settlement Notice

- (19) As a result of the application of the Settlement Notice, the amount of the fines to be imposed on RBS, UBS, JPMorgan and Credit Suisse was reduced by 10 % and this reduction was added to any leniency reward.

3. CONCLUSION

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

Undertaking	Fines (in EUR)
RBS	0
UBS	12 650 000
JPMorgan	10 534 000
Credit Suisse	9 171 000

NOTICES FROM MEMBER STATES

Update of the list of border crossing points referred to in Article 2(8) of Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽¹⁾

(2015/C 72/11)

The publication of the list of border crossing points referred to in Article 2(8) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽²⁾ is based on the information communicated by the Member States to the Commission in conformity with Article 34 of the Schengen Borders Code.

In addition to the publication in the Official Journal, a regular update is available on the website of the Directorate-General for Home Affairs.

GREECE

Replacement of the information published in OJ C 420, 22.11.2014

LIST OF BORDER CROSSING POINTS

Εναέρια σύνορα (*)	Airports (Air Borders)
1. Αθήνα	Athina
2. Ηράκλειο	Heraklion
3. Θεσσαλονίκη	Thessaloniki
4. Ρόδος	Rodos (Rhodes)
5. Κέρκυρα	Kerkira (Corfou)
6. Αντιμάχεια Κω	Antimachia (Kos)
7. Χανιά	Chania
8. Πυθαγόρειο Σάμου	Pithagorio, Samos
9. Μυτιλήνη	Mitilini
10. Ιωάννινα	Ioannina
11. Άραξος	Araxos
12. Σητεία	Sitia
13. Χίος	Chios
14. Αργοστόλι	Argostoli
15. Καλαμάτα	Kalamata
16. Καβάλα	Kavala
17. Άκτιο Βόνιτσας	Aktio Vonitsas
18. Μήλος	Milos
19. Ζάκυνθος	Zakinthos
20. Θήρα	Thira

⁽¹⁾ See the list of previous publications at the end of this update.

⁽²⁾ OJ L 105, 13.4.2006, p. 1.

Εναέρια σύνορα (*)

21. Σκιάθος
22. Κάρπαθος
23. Μύκονος
24. Αλεξανδρούπολη
25. Ελευσίνα
26. Ανδραβίδα
27. Ατσική Λήμνου
28. Νέα Αγχίαλος
29. Καστοριά

Airports (Air Borders)

- Skiathos
- Karpathos
- Mikonos
- Alexandroupoli
- Elefsina
- Andravida
- Atsiki - Limnos
- Nea Aghialos
- Kastoria

(*) Note: These are exclusively operational during the summer period.

Θαλάσσια σύνορα

1. Γύθειο
2. Σύρος
3. Ηγουμενίτσα
4. Στυλίδα
5. Άγιος Νικόλαος
6. Ρέθυμνο
7. Λευκάδα
8. Σάμος
9. Βόλος
10. Κως
11. Δάφνη Αγίου Όρους
12. Ίβηρα Αγίου Όρους
13. Γερακινή
14. Γλυφάδα
15. Πρέβεζα
16. Πάτρα
17. Κέρκυρα
18. Σητεία
19. Χίος
20. Αργοστόλι
21. Θεσσαλονίκη
22. Κόρινθος
23. Καλαμάτα
24. Κάλυμνος
25. Καβάλα
26. Ιθάκη
27. Πύλος

Ports (Sea Borders)

- Githio
- Siros
- Igoymenitsa
- Stilida
- Agios Nikolaos
- Rethimno
- Lefkada
- Samos
- Volos
- Kos
- Dafni, Agiou Oros
- Ivira, Agiou Oros
- Gerakini
- Glifada
- Preveza
- Patra
- Kerkira
- Sitia
- Chios
- Argostoli
- Thessaloniki
- Korinthos
- Kalamata
- Kalymnos (**)
- Kavala
- Ithaki
- Pilos

Θαλάσσια σύνορα

28. Πυθαγόρειο Σάμου
29. Λαύριο
30. Ηράκλειο
31. Σάμη Κεφαλληνίας
32. Πειραιάς
33. Μήλος
34. Κατάκολο
35. Σούδα Χανίων
36. Ιτέα
37. Ελευσίνα
38. Μύκονος
39. Ναύπλιο
40. Χαλκίδα
41. Ρόδος
42. Ζάκυνθος
43. Θήρα
44. Καλοί Λιμένες Ηρακλείου
45. Μύρινα Λήμνου
46. Παξοί
47. Σκιάθος
48. Αλεξανδρούπολη
49. Αίγιο
50. Πάτμος
51. Σύμη
52. Μυτιλήνη
53. Χανιά
54. Αστακός
55. Πέτρα Λέσβου

Ports (Sea Borders)

- Pithagorio - Samos
- Lavrio
- Heraklio
- Sami, Kefalonia
- Pireas
- Milos
- Katakolo
- Souda - Chania
- Itea
- Elefsina
- Mikonos
- Nafplio
- Chalkida
- Rodos
- Zakinthos
- Thira
- Kali - Limenes - Herakliou
- Myrina - Limnos
- Paxi
- Skiathos
- Alexandroupoli
- Aighio
- Patmos
- Simi
- Mitilini
- Chania
- Astakos
- Petra, Lesvos (***)

(**) Note: on a temporary basis from 23 August to 31 October 2013.

(***) Note: on a temporary basis from 1 April to 30 November 2015.

Χερσαία σύνορα

Με την Αλβανία

1. Κακαβιά
2. Κρυσταλλοπηγή
3. Σαγιάδα
4. Μερτζάνη

Land Borders

With Albania

1. Kakavia
2. Kristalopigi
3. Sagiada
4. Mertzani

Χερσαία σύνορα**Land Borders***Με την πρώην Γιουγκοσλαβική Δημοκρατία της Μακεδονίας**With the former Yugoslav Republic of Macedonia*

1. Νίκη
2. Ειδομένη (σιδηροδρομικό)
3. Εύζωνοι
4. Δοϊράνη

1. Niki
2. Idomeni (Rail)
3. Evzoni
4. Doirani

*Με τη Βουλγαρία**With Bulgaria*

1. Προμαχώνας
2. Προμαχώνας (σιδηροδρομικό)
3. Δίκαια (σιδηροδρομικό)
4. Ορμένιο
5. Εξοχή
6. Άγιος Κωνσταντίνος Ξάνθης
7. Κυπρίνος Έβρου
8. Νυμφαία

1. Promachonas
2. Promachonas (Rail)
3. Dikea, Evros (Rail)
4. Ormenio, Evros
5. Exohi
6. Agios Konstantinos (Xanthi)
7. Kyprinos (Evros)
8. Nymfaia

*Με την Τουρκία**With Turkey*

1. Καστανιές Έβρου
2. Πύθιο (σιδηροδρομικό)
3. Κήποι Έβρου

1. Kastanies
2. Pithio (Rail)
3. Kipi

FINLAND*Replacement of the information published in OJ C 51, 22.2.2013***LIST OF BORDER CROSSING POINTS****Land borders (Finland-Russia)**

- (1) Haapovaara*
- (2) Imatra*
- (3) Imatra (rail*)
- (4) Inari*
- (5) Karttimo*
- (6) Kurvinen*
- (7) Kuusamo
- (8) Leminaho*
- (9) Niirala
- (10) Nuijamaa

- (11) Parikkala*
- (12) Rajajooseppi
- (13) Salla
- (14) Vaalimaa
- (15) Vainikkala (rail)
- (16) Vartius

Explanation:

Border crossing points are based on the Agreement between the Government of the Republic of Finland and the Government of the Russian Federation on mutual border crossing points (Helsinki, 11 March 1994). Those marked with an asterisk (*) are in limited use only and open only to citizens of Finland and Russia under the bilateral agreement. They are kept open for traffic as the need arises. Traffic consists almost exclusively of timber freight. The majority of crossing points are closed most of the time. The border crossing points concerned form the subject of negotiations by the Finnish and Russian authorities.

Airports

- (1) Enontekiö
- (2) Helsinki-Hernesaari (exclusively for helicopter traffic)
- (3) Helsinki-Malmi
- (4) Helsinki-Vantaa
- (5) Ivalo
- (6) Joensuu
- (7) Jyväskylä
- (8) Kajaani
- (9) Kemi-Tornio
- (10) Kittilä
- (11) Kokkola - Pietarsaari
- (12) Kuopio
- (13) Kuusamo
- (14) Lappeenranta
- (15) Maarianhamina
- (16) Mikkeli
- (17) Oulu
- (18) Pori
- (19) Rovaniemi

(20) Savonlinna

(21) Seinäjoki

(22) Tampere-Pirkkala

(23) Turku

(24) Vaasa

(25) Varkaus

Sea borders

Harbour crossing points for commercial and fishing vessels

(1) Eckerö

(2) Eurajoki

(3) Färjsundet

(4) Förby

(5) Hamina

(6) Hanko (also for pleasure craft)

(7) Haukipudas

(8) Helsinki

(9) Inkoo

(10) Kalajoki

(11) Kaskinen

(12) Kemi

(13) Kemiö

(14) Kirkkonummi

(15) Kokkola

(16) Kotka

(17) Kristiinankaupunki

(18) Lappeenranta

(19) Loviisa

(20) Långnäs

(21) Maarianhamina (also for pleasure craft)

(22) Merikarvia

(23) Naantali

(24) Nuijamaa (also for pleasure craft)

- (25) Oulu
- (26) Parainen
- (27) Pernaja
- (28) Pietarsaari
- (29) Pohja
- (30) Pori
- (31) Porvoo
- (32) Raahе
- (33) Rauma
- (34) Salo
- (35) Sipoo
- (36) Taalintehdas
- (37) Tammisaari
- (38) Tornio
- (39) Turku
- (40) Uusikaupunki
- (41) Vaasa

Coastguard stations operating as border crossing points for pleasure craft:

- (1) Åland
- (2) Haapasaari
- (3) Hanko
- (4) Nuijamaan satama
- (5) Santio
- (6) Suomenlinna

Coastguard stations operating as border crossing points for seaplanes:

- (1) Åland
- (2) Hanko
- (3) Kotka
- (4) Porkkala
- (5) Suomenlinna

List of previous publications

OJ C 316, 28.12.2007, p. 1	OJ C 203, 9.7.2011, p. 14
OJ C 134, 31.5.2008, p. 16	OJ C 210, 16.7.2011, p. 30
OJ C 177, 12.7.2008, p. 9	OJ C 271, 14.9.2011, p. 18
OJ C 200, 6.8.2008, p. 10	OJ C 356, 6.12.2011, p. 12
OJ C 331, 31.12.2008, p. 13	OJ C 111, 18.4.2012, p. 3
OJ C 3, 8.1.2009, p. 10	OJ C 183, 23.6.2012, p. 7
OJ C 37, 14.2.2009, p. 10	OJ C 313, 17.10.2012, p. 11
OJ C 64, 19.3.2009, p. 20	OJ C 394, 20.12.2012, p. 22
OJ C 99, 30.4.2009, p. 7	OJ C 51, 22.2.2013, p. 9
OJ C 229, 23.9.2009, p. 28	OJ C 167, 13.6.2013, p. 9
OJ C 263, 5.11.2009, p. 22	OJ C 242, 23.8.2013, p. 2
OJ C 298, 8.12.2009, p. 17	OJ C 275, 24.9.2013, p. 7
OJ C 74, 24.3.2010, p. 13	OJ C 314, 29.10.2013, p. 5
OJ C 326, 3.12.2010, p. 17	OJ C 324, 9.11.2013, p. 6
OJ C 355, 29.12.2010, p. 34	OJ C 57, 28.2.2014, p. 4
OJ C 22, 22.1.2011, p. 22	OJ C 167, 4.6.2014, p. 9
OJ C 37, 5.2.2011, p. 12	OJ C 244, 26.7.2014, p. 22
OJ C 149, 20.5.2011, p. 8	OJ C 332, 24.9.2014, p. 12
OJ C 190, 30.6.2011, p. 17	OJ C 420, 22.11.2014, p. 9.

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration**(Case M.7302 — Styrolution / Braskem / JV)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2015/C 72/12)

1. On 23 February 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Styrolution Group GmbH ('Styrolution', Germany) and Braskem SA ('Braskem', Brazil) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture ('JV') by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Styrolution: manufacturing and selling a range of thermoplastic resins based on styrene for use in different applications,
 - for Braskem: manufacturing and selling of thermoplastic resins (such as polyethylene, polypropylene and polyvinyl chloride) as well as basic raw chemical materials,
 - for the JV: selling certain thermoplastic resins in Brazil and other South American countries, among others on the basis of its own Brazilian production.
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 this Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7302 — Styrolution / Braskem / JV, 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').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2015/C 72/13)

This publication confers the right to oppose the application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹⁾.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006**on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾****‘PLATE DE FLORENVILLE’****EC No: BE-PGI-0005-01151 – 6.9.2013****PGI (X) PDO ()****1. Name**

‘Plate de Florenville’

2. Member State or Third Country

Belgium

3. Description of the agricultural product or foodstuff**3.1. Type of product**

Class 1.6. Fruit, vegetables and cereals, fresh or processed

3.2. Description of the product to which the name in (1) applies

‘Plate de Florenville’ is a potato (*Solanum tuberosum* L.) of the old French variety ‘Rosa’. This late to semi-late variety has a very long dormancy and its cultivation requires on average 120 days in the ground.

The tubers of ‘Plate de Florenville’ have the following varietal and physical characteristics:

- skin colour: pinkish,
- flesh colour: yellow,
- shape: elongated, regular, slightly flattened (club-shaped, kidney-shaped),
- percentage of dry matter: < 20 %,
- size: between 25 mm and 45 mm.

‘Plate de Florenville’ belongs to the group of firm-fleshed cooking potatoes. Its culinary characteristics (based on the internationally accepted potato variety examination criteria with a view to entering it in the Belgian catalogue) are:

- flesh consistency: at most 4 (on a scale of 0 to 10: 0 = firm; 3 = fairly firm; 6 = fairly soft; 9 = soft),
- characteristics when cooked: at most 3 (on a scale of 0 to 10: 0 = remains whole; 3 = breaks up slightly; 6 = breaks up considerably; 9 = disintegrates completely),

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012.

- moisture: at least 3 to at most 6 (on a scale of 0 to 10: 0 = moist; 3 = fairly moist; 6 = fairly dry; 9 = dry,
- darkening after cooking: index of at most 30 (index < 20 = good (slight darkening); $20 \leq \text{index} < 30$ = medium; $30 \leq \text{index} < 35$ = slight; $35 \leq \text{index} < 45$ = poor; ≥ 45 = very poor).

Consequently, according to the internationally accepted categorisation used for entering potato varieties in the Belgian catalogue, 'Plate de Florenville' is classified in group A (A – AB – BA), the group of potatoes ideal for being used in salads, steaming or being cooked in their skins.

From an organoleptic point of view, 'Plate de Florenville' is characterised by a fine, delicate and intense taste and by a pleasant firmness in the mouth. It is not at all floury and therefore has a watery feel.

'Plate de Florenville' may be marketed as a fresh or ware potato. Its very long dormancy means that it can easily be stored for a long time, without risk of early and uncontrolled germination.

3.3. *Raw materials (for processed products only)*

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3.4. *Feed (for products of animal origin only)*

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3.5. *Specific steps in production that must take place in the defined geographical area*

Apart from the production of seed potatoes, all aspects of production (from planting the tubers to storing the harvest) must take place in the defined area.

3.6. *Specific rules concerning slicing, grating, packaging, etc.*

The preparation/packing operations may take place throughout the European Union.

3.7. *Specific rules concerning labelling*

The labelling affixed to 'Plate de Florenville' packaging must contain — in addition to the markings required by law — the registered name, the European protected geographical indication (PGI) logo (in the same field of vision as the name), a reference to the independent certifying body for the producer in question, as well as a batch number and the producer's reference if he is not himself the preparer/packer.

When sold loose directly to the consumer, 'Plate de Florenville' must be clearly identified by means of the above mandatory labelling.

The word 'primeur' ('early') may be added to the name 'Plate de Florenville' if the potato has the characteristics of an early potato (harvested before fully ripe, skin easily removable by rubbing) and is marketed fresh before 15 September.

The word 'grenailles' ('baby') may be added to the name 'Plate de Florenville' if the tubers are smaller than 25 mm.

All labelling and means of identification is subject to approval by the independent certifying body for the producer concerned.

4. **Concise definition of the geographical area**

The 'Plate de Florenville' production area comprises the following municipalities:

- Chiny (former municipalities before the merger of Izel and Jamoigne),
- Etalle (Buzenol, Chantemelle, Etalle, Sainte-Marie, Vance),
- Florenville (Chassepierre, Florenville, Fontenoille, Muno, Villers-devant-Orval),
- Meix-devant-Virton (Gérouville, Meix-devant-Virton, Robelmont, Sommethone, Villers-la-Loue),
- Saint-Léger (Châtillon, Saint-Léger),
- Tintigny (Bellefontaine, Saint-Vincent, Tintigny),
- Virton (Ethe, Virton).

Within that area 'Plate de Florenville' is grown only in well-suited soils, mainly of the type:

- sandy or limy-sandy with excessive or slightly excessive natural drainage,
- sandy-limy with natural drainage.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

The geographical area linked to the name 'Plate de Florenville' corresponds to an area located in the south of Belgium called 'Lorraine belge' or — from a geological and agricultural point of view — 'Région jurassique'. It is the only region of Belgium dating from the secondary era. More specifically, the 'Plate de Florenville' production area is located in a part of that Jurassic region called Gaume (a historical and geographical name).

The specific contours of its *cuestas*, with south-facing land, is one of Gaume's main characteristics. Moreover, protected from cold winds and rain from the north by the Ardennes hills, which are higher in altitude, Gaume is the region which marks the transition between the temperate maritime climate in the north of the country and a continental climate. This difference is characterised by a broader range of temperatures, a larger number of summer days, more hours of sunshine, less precipitation and less-strong winds.

The subsoil composition (chalky) is an additional favourable factor because it retains heat well. The two pedological layers which stretch out around Florenville correspond to limy, slightly sandy soils which are well ventilated and well drained and heat quickly, unlike the clayey, heavy and poorly drained soils found in the surrounding areas. Over time, the growers noticed that soils of this type (limy-sandy or sandy-limy) produced better quality 'Plate de Florenville'. They therefore identified the parcels with these soils and used them to grow 'Plate de Florenville'. This reflects the acquisition of specific and unique know-how linked to growing this potato variety.

The railways probably played an important role in establishing these potatoes' reputation. In 1880 the former municipality of Florenville acquired a railway station on line 165 linking Virton to Bertrix. On a larger scale, that line linked — and still links — Arlon, Namur and Brussels (the central point of the rail network in Belgium). The description 'de Florenville' probably comes from the label affixed to the wagons leaving Florenville station, to which production from the surrounding areas was taken via by-roads. The potato therefore took the name of the station from which it was transported.

5.2. *Specificity of the product*

The main characteristics of 'Plate de Florenville', apart from its colour and shape, are that it holds together very well during cooking and that it has a fine, delicate taste.

The potato remains whole, does not disintegrate and keeps its shape well, even after being cooked for a long time. This quality enables it to be classified in culinary group A (see point 3.2). It is therefore ideal for salads, as well as for steaming or for cooking in its skin.

Its flavour is intense, delicate and very fine. There is sometimes a hazelnut taste. Its intense taste is closely linked to its small tubers, its aromatic components being more concentrated than in large tubers.

These two characteristics result from the low level of dry matter (< 20 %) specific to 'Plate de Florenville'.

The name 'Plate de Florenville' has existed for at least a century, as the references below demonstrate:

- in 1901 the 'Monographie agricole de la région jurassique (Gaume)' defined 'Plate de Florenville' as a local variety,
- in 1909 the 'Journal de la société agricole de la province du Luxembourg' noted that 'Plate de Florenville' was marketed in Florenville,
- in 1930 the 'Encyclopédie agricole belge' stated that 'Plate de Florenville' is 'grown in Gaume' and 'in strong demand on the Liège market',
- in 2006 'Plate de Florenville' or 'Corne de Florenville' was the subject of an entry in Georges Lebouc's 'Dictionnaire des belgicisms' and, in 2010, in Michel Francard's 'Dictionnaire des belgicisms'.

5.3. *Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)*

Quality

The climatic and pedological conditions in Gaume, as well as the soil types referred to under point 5.1, are particularly well-suited to growing 'Plate de Florenville'. 'Plate de Florenville' needs soil which is well drained (in order to avoid root suffocation) and which warms up quickly so as to promote good growth. Also, the climate described above ensures a good water supply and reduces the risk of late frosts to which potatoes are highly sensitive. This adequate water supply makes it possible to obtain 'Plate de Florenville' potatoes with a dry matter content below 20 %. A drier climate would favour floury potatoes and, by contrast, a colder and damper climate would preclude good tuber development. Moreover, being a slow-growing variety, 'Plate de Florenville' must be planted as early as possible. The fact that the soils in which it is grown warm up quickly is therefore a major advantage. It should be noted, however, that in these draining soils the yield provided by 'Plate de Florenville' is well below the nominal yield of the 'Rosa' variety (which is 90 % of that provided by the reference variety 'Bintje'): depending on the weather conditions, the yield varies between 12 and 25 tonnes per hectare, the maximum authorised yield to qualify for the name 'Plate de Florenville'. This low yield is key to the gustatory quality of 'Plate de Florenville': the smaller the tubers, the greater the concentration of aromatic molecules and the tastier the potato.

The combination of pedological and climatic factors and the growers' know-how therefore enables the 'Rosa' variety to present all its qualities.

Reputation

References to seed potatoes called 'Plates' started appearing in Belgian historical sources from the mid-19th century onwards. In 1860 Edouard de Croeser de Berges compiled a register of 128 potato varieties in Belgium which described 'Plate' as being of good quality, relatively high-yield and disease-free. This variety is also found in the 'Almanach agricole belge' of 1899.

'Plate de Florenville' has a local, national and international reputation. This is borne out, in particular, by the 'Fête de la Pomme de Terre' (potato festival), which has taken place in Florenville for a weekend in October since 1994. This event is covered by the regional press ('L'Avenir du Luxembourg' in 2011, 2012 and 2013, for example), but also outside Belgium (references in the French newspaper 'L'Union-L'Ardennais' in 2013). 'Plate de Florenville' is likewise referred to in the national press ('Le Soir', 'La Libre Belgique' and the Dutch-language daily 'De Standaard'), as well as in the international press ('Le Figaro' (France), for example).

It also appears in several Gaume tourist guides, including:

- 'Tourisme en Beau Canton de Gaume' published in 2002 by the Chiny, Florenville and Herbeumont Tourist Office,
- 'La Transgaumaise', a walking guide written by André Pierlot and published in 2009.

In cooking, 'Plate de Florenville' is used in several Luxembourg Province recipes for which its firmness is an essential quality:

- 'touffaye' is a steamed hotpot ('al touffaye') (Chantal Van Gelderen 1999),
- 'roustiquettes gaumaises', a recipe suggested by Noël Anselot in 1980,
- 'Floriflette', suggested by the 'Confrérie des Sossons d'Orvaux'.

Moreover, its culinary qualities mean that it is included on the menus of several restaurants, which present it as a fine and typical dish, for example:

- 'Gratinée de Florenville' at the 'Ferme des Sanglochons' (Verlaine-Neufchâteau in Luxembourg Province),
- 'Moelleux de plates de Florenville au crabe, aux crevettes grises et au Royal Belgian caviar, beurre blanc d'huîtres à la ciboulette' at the gourmet restaurant 'Comme Chez Soi' (Brussels).

Greatly appreciated by consumers, 'Plate de Florenville' is recognised as being a low-productivity potato of very good quality. Its price proves this. Several sources dating from the first half of the 20th century attest to the fact that this potato cost more than others. Nowadays it is still more expensive in the shops (EUR 1,99/kg) than any other firm-fleshed potato variety, for example the 'Charlotte' (EUR 1,20/kg).

Reference to publication of the specification

(Article 5(7) of Regulation (EC) No 510/2006 ⁽³⁾)

http://agriculture.wallonie.be/apps/spip_wolwin/IMG/pdf/Dossier-Plate-Florenville-IGP.pdf

⁽³⁾ See footnote 2.

CORRIGENDA

Corrigendum to Call for proposals

Guidelines — EACEA 03/2015

EU Aid Volunteers initiative:

Technical Assistance for sending organisations

Capacity Building for humanitarian aid of hosting organisations

(Official Journal of the European Union C 17 of 20 January 2015)

(2015/C 72/14)

On page 12:

for:

‘6.1.2 Partners and eligible partnership

The Partner organisations must be:

- non-governmental not-for-profit; or
- public law bodies of a civilian character; or
- the International Federation of National Red Cross and Red Crescent Societies.’,

read:

‘6.1.2. Partners and eligible partnership

For Technical Assistance, the Partner organisations shall belong to any of the following categories:

- non-governmental not-for-profit organisations formed in accordance with the law of a Member State and whose headquarters are located within the Union, or
- public law bodies of a civilian character, or
- the International Federation of National Red Cross and Red Crescent Societies.

For Capacity Building, the Partner organisations shall belong to any of the following categories:

- non-governmental not-for-profit organisations operating or established in a third country under the laws in force in that country, or
- public law bodies of a civilian character, or
- international agencies and organisations.’;

on page 13:

for:

‘b) Bodies established in the following countries can be partners within Capacity building projects

- the Member States of the European Union: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom;
- third countries in which humanitarian aid takes place⁽²⁾. The third countries list is available at: <https://eacea.ec.europa.eu/eu-aid-volunteers/funding/>

Capacity building projects must involve the applicant and partner organisations from at least six different countries from which:

- at least three partners are from third countries;
- all partners from countries participating in the programme must have been active in the field of humanitarian aid for at least 5 years;

- at least two partners from third countries must be active in the field of humanitarian aid;
- at least one partner from countries participating in the programme must have been active in the field of volunteer management for at least 5 years.’,

read:

‘b) Bodies established in the following countries can be partners within Capacity building projects

- the Member States of the European Union: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom,
- third countries in which humanitarian aid takes place ⁽²⁾.

Capacity building projects must involve the applicant and partner organisations from at least six different countries from which:

- partnerships involve partners from at least three countries participating in the programme, including the applicant, and at least three third countries,
- all partners from countries participating in the programme must have been active in the field of humanitarian aid for at least 5 years,
- at least two partners from third countries must be active in the field of humanitarian aid,
- at least one partner from countries participating in the programme must have been active in the field of volunteer management for at least 5 years.

⁽²⁾ Humanitarian aid is defined as per Article 3(d) of Regulation (EU) No 375/2014, i.e. activities and operations in third countries intended to provide needs-based emergency assistance aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity in the face of man-made crises or natural disasters. It encompasses assistance, relief and protection operations in humanitarian crises or their immediate aftermath, supporting measures to ensure access to people in need and to facilitate the free flow of assistance, as well as actions aimed at reinforcing disaster preparedness and disaster risk reduction, and contributing towards strengthening resilience and capacity to cope with, and recover from, crises.’.

