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[1] Text with EEA relevance.

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration

(Case M.8419 — Segro/PSPIB/SELP/Target assets)

(Text with EEA relevance)

(2017/C 108/01)

On 29 March 2017, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 [1]. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

— in the merger section of the Competition website of the Commission (http://ec.europa.eu/competition/mergers/cases/). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,

— in electronic form on the EUR-Lex website (http://eur-lex.europa.eu/homepage.html?locale=en) under document number 32017M8419. EUR-Lex is the online access to European law.

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[1] OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates [1]

5 April 2017

(2017/C 108/02)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,0678	CAD	Canadian dollar	1,4291
JPY	Japanese yen	118,49	HKD	Hong Kong dollar	8,2957
DKK	Danish krone	7,4354	NZD	New Zealand dollar	1,5319
GBP	Pound sterling	0,85510	SGD	Singapore dollar	1,4948
SEK	Swedish krona	9,5748	KRW	South Korean won	1 202,72
CHF	Swiss franc	1,0708	ZAR	South African rand	14,6327
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,3638
NOK	Norwegian krone	9,1665	HRK	Croatian kuna	7,4578
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 227,37
CZK	Czech koruna	27,058	MYR	Malaysian ringgit	4,7314
HUF	Hungarian forint	309,91	PHP	Philippine peso	53,532
PLN	Polish zloty	4,2315	RUB	Russian rouble	59,6596
RON	Romanian leu	4,5397	THB	Thai baht	36,860
TRY	Turkish lira	3,9404	BRL	Brazilian real	3,2974
AUD	Australian dollar	1,4085	MXN	Mexican peso	20,0177
			INR	Indian rupee	69,2930

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

Opinion of the Advisory Committee on restrictive agreements and dominant positions given at its meeting of 18 July 2016 regarding a draft decision relating to Case AT.39824 — Trucks

Rapporteur: Latvia

(2017/C 108/03)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes agreements and/or concerted practices between the 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 draft decision.

3. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision have participated in a single and continuous infringement of Article 101 of the TFEU and Article 53 EEA.

4. The Advisory Committee agrees with the Commission that the object of the agreements and/or concerted practices for the infringement described in the draft decision 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 draft decision 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 infringement described in the draft decision.

7. The Advisory Committee agrees with the Commission as regards the addressees of the draft decision.

8. The Advisory Committee agrees with the Commission that fines should be imposed on the addressees of the draft decision.

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 draft decision.

10. The Advisory Committee agrees with the Commission as regards the determination of the value of sales used for the calculation of the fines imposed by the draft decision.

11. The Advisory Committee agrees with the Commission on the basic amounts of the fines for the draft decision.

12. The Advisory Committee agrees with the determination of the duration for the purpose of calculating the fines for the draft decision.

13. The Advisory Committee agrees with the Commission that there are no aggravating circumstances applicable to the infringement.

14. The Advisory Committee agrees with the Commission that there are no mitigating circumstances applicable to the infringement.

15. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice for the draft decision.

16. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice for the draft decision.

17. The Advisory Committee agrees with the Commission on the final amounts of the fines for the draft decision.

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

Final Report of the Hearing Officer [1]

Trucks

(AT.39824)

(2017/C 108/04)

(1) The present report concerns a draft cartel settlement decision to be adopted in accordance with the procedure foreseen in Article 10a of Regulation (EC) No 773/2004 [2] (the 'Draft Decision').

(2) The Draft Decision is addressed to 15 legal persons (the 'Addressees of the Draft Decision'), each belonging to one of five undertakings: MAN, Volvo, Daimler, Iveco and DAF (the 'Settling Undertakings') [3].

(3) According to the Draft Decision, the Settling Undertakings participated in collusive arrangements regarding pricing and gross price increases in the European Economic Area for medium and heavy trucks, as well as the timing and the passing on of costs for the introduction of technologies for medium and heavy trucks required by revised emissions standards.

(4) The case stems from an application for immunity from fines. Following inspections carried out in early 2011, the Commission received three leniency applications.

(5) On 20 November 2014, the Commission initiated proceedings within the meaning of Article 2 of Regulation (EC) No 773/2004 in respect of the Settling Undertakings and one other undertaking (the 'Sixth Undertaking'). At the time of the present report, proceedings concerning the Sixth Undertaking are ongoing under the general (non-settlement) provisions of Regulation (EC) No 773/2004 [4].

(6) Also on 20 November 2014, the Commission adopted a statement of objections in Case AT.39824 (the 'SO'). Between 20 and 24 November 2014, the SO was notified to the Addressees of the Draft Decision as well as to three entities belonging to the Sixth Undertaking (the 'Addressees of the SO').

(7) All of the Addressees of the SO requested access to the Commission's investigation file. The Directorate-General for Competition ('DG Competition') made the main body of the accessible file available to the Addressees of the SO in December 2014. Concerning part of the Commission's file for which special confidentiality measures were appropriate, DG Competition organised restricted access procedures (on and off DG Competition's premises) that allowed external lawyers to identify the documents for which they sought non-confidential versions on behalf of their respective clients. These restricted access procedures commenced in December 2014. Requests for non-confidential versions of documents identified in the restricted access procedures were submitted to DG Competition in February and March 2015. In February 2016, DG Competition provided the corresponding non-confidential versions.

(8) Between 1 September 2015 and 3 June 2016, the Commission had settlement discussions with the Addressees of the SO that had, in July 2015, made informal approaches to the Commission expressing an interest in possibly introducing settlement submissions in accordance with Article 10a of Regulation (EC) No 773/2004.

(9) Between 15 and 21 June 2016, the Addressees of the Draft Decision made settlement submissions to the Commission pursuant to Article 10a(2) of Regulation (EC) No 773/2004. Each of these submissions contained, among other things, an acknowledgment that the Addressee of the Draft Decision concerned had been sufficiently informed of the objections the Commission raised against it and that it had been given sufficient opportunity to make its views known to the Commission.

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[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] Commission Regulation (EC) No 773/2004 (OJ L 123, 27.4.2004, p. 18) as amended, in particular by Commission Regulation (EC) No 622/2008 (OJ L 171, 1.7.2008, p. 3). See also Commission Notice 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) (the 'Settlement Notice').

[3] Grouped by respective Settling Undertaking, the Addressees of the Draft Decision are: (i) MAN SE, MAN Truck & Bus AG, MAN Truck & Bus Deutschland GmbH; (ii) AB Volvo (publ), Volvo Lastvagnar AB, Volvo Group Trucks Central Europe GmbH, Renault Trucks SAS; (iii) Daimler AG; (iv) Fiat Chrysler Automobiles N.V, CNH Industrial N.V., Iveco SpA, Iveco Magirus AG; (v) PACCAR Inc., DAF Trucks N.V., and DAF Trucks Deutschland GmbH.

[4] See section 2.2 of the Settlement Notice, especially paragraph 19.

(10) I have not received any requests or complaints in the present case [1].

(11) In accordance with Article 16 of Decision 2011/695/EU, I have examined whether the Draft Decision deals only with objections in respect of which the Addressees of the Draft Decision have been afforded the opportunity of making known their views. I conclude that it does.

(12) In view of all the above, I consider that the effective exercise of the procedural rights of the Addressees of the Draft Decision has been respected.

Brussels, 18 July 2016.

Wouter WILS

[1] 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 the Settlement Notice and Article 3(7) of Decision 2011/695/EU.

Summary of Commission Decision

of 19 July 2016

relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement

(Case AT.39824 — Trucks)

(notified under document C(2016) 4673)

(Only the English text is authentic)

(2017/C 108/05)

On 19 July 2016, the Commission adopted a decision relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 [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 of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA agreement.

(2) The Decision is addressed to the following entities: MAN SE, MAN Truck & Bus AG, MAN Truck & Bus Deutschland GmbH (together are referred to as 'MAN'); Daimler AG (hereinafter referred to as 'Daimler'); Fiat Chrysler Automobiles N.V., CNH Industrial N.V., Iveco SpA, Iveco Magirus AG (together are referred to as 'Iveco'); AB Volvo (publ), Volvo Lastvagnar AB, Renault Trucks SAS, Volvo Group Trucks Central Europe GmbH, (together are referred to as 'Volvo/Renault'); PACCAR Inc., DAF Trucks Deutschland GmbH, DAF Trucks N.V., DAF (together are referred to as 'DAF').

2. CASE DESCRIPTION

2.1. Procedure

(3) Following an immunity application by MAN on 20 September 2010, the Commission carried out inspections at the premises of the various trucks producers between 18 and 21 January 2011. On 28 January 2011 Volvo/Renault applied for a reduction of fines, followed by Daimler on 10 February 2011, at 10:00 a.m., and Iveco on 10 February 2011, at 22:22 p.m.

(4) On 20 November 2014, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 against DAF, Daimler, Iveco, MAN, Volvo/Renault, and adopted a Statement of Objections, which it notified to these entities.

(5) After the adoption of the Statement of Objections the Addressees approached the Commission informally and asked to continue the case under the settlement procedure. The Commission decided to launch settlement proceedings for this case after each of the addressees had confirmed its willingness to engage in settlement discussions. Subsequently MAN, DAF, Daimler, Volvo/Renault and Iveco submitted to the Commission their formal request to settle pursuant to Article 10a(2) of Commission Regulation (EC) No 773/2004 [2].

(6) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 18 July 2016 and the Commission adopted the Decision on 19 July 2016.

2.2. Addressees and duration

(7) The addressees of the Decision have participated in a collusion and/or bear liability for it, infringing therefore Article 101 of the Treaty, during the periods indicated below. In application of Point 26 of the Guidelines on Fines Volvo/Renault was granted partial immunity for the period from 17 January 1997 until 15 January 2001.

Entity	Duration
MAN SE, MAN Truck & Bus AG, MAN Truck & Bus Deutschland GmbH	17 January 1997 – 20 September 2010

[1] OJ L 1, 4.1.2003, p. 1.
[2] OJ L 123, 27.4.2004, p. 18.

Entity	Duration
Daimler AG	17 January 1997 – 18 January 2011
Fiat Chrysler Automobiles N.V., CNH Industrial N.V., Iveco SpA, Iveco Magirus AG	17 January 1997 – 18 January 2011
AB Volvo (publ), Volvo Lastvagnar AB, Renault Trucks SAS, Volvo Group Trucks Central Europe GmbH	17 January 1997 – 18 January 2011
PACCAR Inc., DAF Trucks Deutschland GmbH, DAF Trucks N.V.	17 January 1997 – 18 January 2011

2.3. **Summary of the infringement**

(8) The products concerned by the infringement are trucks weighing between 6 and 16 tonnes ('medium trucks') and trucks weighing more than 16 tonnes ('heavy trucks') both as rigid trucks as well as tractor trucks (hereinafter, medium and heavy trucks are referred to collectively as 'trucks') ([1]). The case does not concern aftersales, other services and warranties for trucks, the sale of used trucks or any other goods or services.

(9) The infringement consisted of collusive arrangements on pricing and gross price increases in the EEA for trucks; and the timing and the passing on of costs for the introduction of emission technologies for medium and heavy trucks required by EURO 3 to 6 standards. The addressees' headquarters were directly involved in the discussion of prices, price increases and the introduction of new emission standards until 2004. From at least August 2002 onwards, discussions took place via German subsidiaries which, to varying degrees, reported to their Headquarters. The exchange was operated both on a multilateral and on a bilateral level.

(10) These collusive arrangements included agreements and/or concerted practices on pricing and gross price increases in order to align gross prices in the EEA and the timing and the passing on of costs for the introduction of emission technologies required by EURO 3 to 6 standards.

(11) The infringement covered the entire EEA and lasted from 17 January 1997 until 18 January 2011.

2.4. **Remedies**

(12) The Decision applies the 2006 Guidelines on Fines ([2]). With the exception of MAN, the Decision imposes fines on all the entities listed under paragraph (7) above.

2.4.1. Basic amount of the fine

(13) In setting the fines, the Commission took into account the relevant undertakings' sales of heavy and medium duty trucks (as defined in paragraph (8)) in the EEA in the last year prior to the end of the infringement; the fact that price coordination is one of the most harmful restrictions of competition; the duration of the infringement; the high market share of the addressees on the European market for heavy and medium duty trucks; the fact that the infringement covered the entire EEA and an additional amount to deter undertakings from entering into price coordination practices.

2.4.2. Adjustments to the basic amount

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

2.4.3. Application of the Leniency Notice

(15) MAN was granted full immunity from fines. Volvo/Renault was granted a 40 % reduction of its fine, Daimler was granted a 30 % reduction, and Iveco was granted a 10 % reduction.

([1]) Excluding trucks for military use.
([2]) Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003 (OJ L 1, 4.1.2003, p. 1).

2.4.4. Application of the Settlement Notice

(16) As a result of the application of the settlement notice, the amount of fines was further reduced by 10 % for all parties.

3. **CONCLUSION**

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

(a) EUR 0 jointly and severally on MAN SE, MAN Truck & Bus AG and MAN Truck & Bus Deutschland GmbH

(b) EUR 670 448 000 jointly and severally on AB Volvo (publ), Volvo Lastvagnar AB and Renault Trucks SAS of which,

Volvo Group Trucks Central Europe GmbH is held jointly and severally responsible for the amount of EUR 468 855 017.

(c) EUR 1 008 766 000 on Daimler AG.

(d) EUR 494 606 000 on Iveco SpA, of which:

(1) Fiat Chrysler Automobiles N.V. is held jointly and severally responsible for the amount of EUR 156 746 105,

(2) Fiat Chrysler Automobiles N.V. and Iveco Magirus AG are held jointly and severally responsible for the amount of EUR 336 119 346 and

(3) CNH Industrial N.V. and Iveco Magirus AG are held jointly and severally responsible for the amount of EUR 1 740 549.

(e) EUR 752 679 000 jointly and severally on PACCAR Inc. and DAF Trucks N.V. of which

DAF Trucks Deutschland GmbH is held jointly and severally responsible for the amount of EUR 376 118 773.

COURT OF AUDITORS

Special Report No 5/2017

'Youth unemployment — have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative'

(2017/C 108/06)

The European Court of Auditors hereby informs you that Special Report No 5/2017 'Youth unemployment — have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative' has just been published.

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

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding closure of fisheries

(2017/C 108/07)

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 [1], a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	16.2.2017
Duration	16.2.2017-31.12.2017
Member State	France
Stock or Group of stocks	SBR/678-
Species	Red seabream (*Pagellus bogaraveo*)
Zone	Union and international waters of VI, VII and VIII
Type(s) of fishing vessels	—
Reference number	04/TQ2285

[1] OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2017/C 108/08)

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 [1], a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	1.1.2017
Duration	1.1.2017-31.12.2017
Member State	Spain
Stock or Group of stocks	BUM/ATLANT
Species	Blue marlin (*Makaira nigricans*)
Zone	Atlantic Ocean
Type(s) of fishing vessels	—
Reference number	05/TQ127

[1] OJ L 343, 22.12.2009, p. 1.

Information communicated by Member States regarding closure of fisheries

(2017/C 108/09)

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 [1], a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	1.1.2017
Duration	1.1.2017-31.12.2017
Member State	Spain
Stock or Group of stocks	WHM/ATLANT
Species	White marlin (*Tetrapturus albidus*)
Zone	Atlantic Ocean
Type(s) of fishing vessels	—
Reference number	06/TQ127

[1] OJ L 343, 22.12.2009, p. 1.

V

(Announcements)

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 29 July 2016

in Case E-25/15

EFTA Surveillance Authority *v* Iceland

(Failure by an EFTA State to fulfil its obligations — State aid — Article 14(3) of Part II of Protocol 3 SCA — Failure to recover unlawfully granted aid)

(2017/C 108/10)

In Case E-25/15, EFTA Surveillance Authority v Iceland — APPLICATION for a declaration that by failing to take within the prescribed time all the necessary measures to recover from the recipients the State aid declared incompatible with the functioning of the Agreement on the European Economic Area by Articles 2, 3, 4 and 5 of EFTA Surveillance Authority Decision No 404/14/COL of 8 October 2014 *on the Investment Incentive Scheme in Iceland*; by failing to cancel, within the prescribed time any outstanding payments referred to in Article 7 third sentence of that decision; and by failing to provide the EFTA Surveillance Authority, within the prescribed time, with the information outlined in Article 8 of that decision, Iceland has failed to fulfil its obligations under Article 14(3) of Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, and under Articles 6, 7 and 8 of EFTA Surveillance Authority Decision No 404/14/COL, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge-Rapporteur) and Páll Hreinsson, Judges, gave judgment on 29 July 2016, the operative part of which is as follows:

The Court hereby:

1. Declares that Iceland has failed to fulfil its obligations under Article 14(3) of Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, and Articles 6, 7 and 8 of EFTA Surveillance Authority Decision No 404/14/COL of 8 October 2014 on the Investment Incentive Scheme in Iceland, by failing, within the time limits prescribed, to take all the necessary measures to recover from the recipients the State aid declared incompatible with the functioning of the Agreement on the European Economic Area by Articles 3, 4 and 5 of that decision, to cancel any outstanding payments referred to in Article 7 third sentence of that decision, and to provide the EFTA Surveillance Authority with the information outlined in Article 8 of that decision.

2. Orders Iceland to bear the costs of the proceedings.

JUDGMENT OF THE COURT

of 29 July 2016

in Case E-30/15

EFTA Surveillance Authority *v* Iceland

(Failure by an EFTA State to fulfil its obligations — Failure to implement — Directive 2011/62/EU amending Directive 2001/83/EC on the Community Code relating to medicinal products for human use)

(2017/C 108/11)

In Case E-30/15, EFTA Surveillance Authority v Iceland — APPLICATION for a declaration that Iceland has failed to fulfil its obligations under the Act referred to at point 15q of Chapter XIII of Annex II to the Agreement on the European Economic Area (Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011 amending Directive 2001/83/EC on the Community Code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products) as adapted to the Agreement by way of Protocol 1 thereto, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event by failing to inform the EFTA Surveillance Authority thereof, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge-Rapporteur) and Páll Hreinsson, Judges, gave judgment on 29 July 2016, the operative part of which is as follows:

The Court hereby:

1. Declares that Iceland has failed to fulfil its obligations under the Act referred to at point 15q of Chapter XIII of Annex II to the Agreement on the European Economic Area (Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011 amending Directive 2001/83/EC on the Community Code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products) as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed.

2. Orders Iceland to bear the costs of the proceedings.

JUDGMENT OF THE COURT

of 29 July 2016

in Case E-31/15

EFTA Surveillance Authority *v* Iceland

(Failure by an EFTA State to fulfil its obligations — Failure to implement — Directive 2011/77/EU amending Directive 2006/116/EC on the term of protection of copyright and certain related rights)

(2017/C 108/12)

In Case E-31/15, EFTA Surveillance Authority v Iceland — APPLICATION for a declaration that Iceland has failed to fulfil its obligations under the Act referred to at the indent in point 9f of Annex XVII to the Agreement of the European Economic Area (Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights) as adapted to the Agreement by way of Protocol 1 thereto, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed or in any event by failing to inform the EFTA Surveillance Authority thereof, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge-Rapporteur) and Páll Hreinsson, Judges, gave judgment on 29 July 2016, the operative part of which is as follows:

The Court hereby:

1. Declares that Iceland has failed to fulfil its obligations under the Act referred to at the indent in point 9f of Annex XVII to the Agreement on the European Economic Area (Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights) as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed.

2. Orders Iceland to bear the costs of the proceedings.

JUDGMENT OF THE COURT

of 29 July 2016

in Case E-32/15

EFTA Surveillance Authority *v* The Principality of Liechtenstein

(Failure by an EFTA State to fulfil its obligations — Failure to implement — Directive 2006/126/EC — Directive 2011/94/EU — Directive 2012/36/EU)

(2017/C 108/13)

In Case E-32/15, EFTA Surveillance Authority v The Principality of Liechtenstein — APPLICATION for a declaration that the Principality of Liechtenstein has failed to fulfil its obligations under the Acts referred to at point 24f of Annex XIII to the Agreement on the European Economic Area (Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (recast), Commission Directive 2011/94/EU of 28 November 2011 amending Directive 2006/126/EC and Commission Directive 2012/36/EU of 19 November 2012 amending Directive 2006/126/EC), as adapted to the Agreement by way of Protocol 1 thereto, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Acts within the time prescribed, or in any event by failing to inform the EFTA Surveillance Authority thereof, the Court, composed of Carl Baudenbacher, President, Per Christiansen and Páll Hreinsson (Judge-Rapporteur), Judges, gave judgment on 29 July 2016, the operative part of which is as follows:

The Court hereby:

1. Declares that the Principality of Liechtenstein has failed to fulfil its obligations under the Acts referred to at point 24f of Annex XIII to the Agreement on the European Economic Area (Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (recast), Commission Directive 2011/94/EU of 28 November 2011 amending Directive 2006/126/EC and Commission Directive 2012/36/EU of 19 November 2012 amending Directive 2006/126/EC), as adapted to the Agreement under its Protocol 1, and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Acts within the times prescribed.

2. Orders the Principality of Liechtenstein to bear the costs of the proceedings.

Action brought on 1 February 2017 by the EFTA Surveillance Authority against Iceland

(Case E-2/17)

(2017/C 108/14)

An action against Iceland was brought before the EFTA Court on 1 February 2017 by the EFTA Surveillance Authority, represented by Carsten Zatschler and Maria Moustakali, acting as Agents of the EFTA Surveillance Authority, 35 Rue Belliard, 1040 Brussels, Belgium.

The EFTA Surveillance Authority requests the EFTA Court to declare that:

1. By maintaining in force (i) an authorisation system for the import of raw eggs and raw egg products such as the one laid down in Article 10 of Act No 25/1993 and Articles 3 (e) and 4 of Regulation (IS) No 448/2012; (ii) an authorisation system for the import of unpasteurised milk and dairy products processed from unpasteurised milk and additional requirements, such as laid down in Article 10 of Act No 25/1993 and Article 3 (f), 4 and 5 of Regulation (IS) No 448/2012, and a prohibition of the marketing of imported dairy products processed from unpasteurised milk, such as laid down in Article 7a of Regulation (IS) No 104/2010; and (iii) an administrative practice of requiring importers to make a declaration and obtain an approval for the import of treated egg and dairy products, such as the one established in the context of the application of Regulation (IS) No 448/2012, Iceland has failed to fulfil its obligations arising from the Act referred to at Point 1.1.1 of Chapter I of Annex I to the EEA Agreement, *Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market* as amended and as adapted to the EEA Agreement by Protocol 1 thereto and by the sectoral adaptions in Annex I thereto, and in particular Article 5 of that directive.

2. Iceland bears the costs of the proceedings.

Legal and factual background and pleas in law adduced in support:

— The EFTA Surveillance Authority (ESA) claims that Iceland has breached its obligations under Directive 89/662/EEC by (i) maintaining in force an authorisation system for the import of raw eggs and raw egg products; (ii) maintaining in force an authorisation system for the import of unpasteurised milk and dairy products processed from unpasteurised milk and additional requirements and a prohibition of the marketing of imported dairy products processed from unpasteurised milk; and (iii) maintaining in force an administrative practice of requiring importers to make a declaration and obtain an approval for the import of treated egg and dairy products.

— ESA submits that the rules concerning the intra-EEA trade of products of animal origin and veterinary checks are harmonised at EEA level. Council Directive 89/662/EEC regulates veterinary checks in intra-EEA trade of products of animal origin. Its main objective is to eliminate veterinary checks at the EEA's internal borders while reinforcing the checks carried out at the point of origin. The competent authorities of the EEA State of destination may only check, by means of non-discriminatory spot-checks, compliance with the relevant EEA legislation.

— ESA submits that by maintaining in force the current measures, Iceland imposes additional requirements, which are not allowed by the harmonised framework of veterinary checks.

— According the ESA, the EFTA Court, in its judgment in Case E-17/15 *Ferskar kjötvörur ehf.* v *the Icelandic State* concerning the restrictions on the importation of raw meat into Iceland, has already recognised the noncompliance of such requirements with EEA law. Similar restrictions concerning egg- and dairy products are laid down in the Icelandic legislation in question.

Action brought on 1 February 2017 by the EFTA Surveillance Authority against Iceland

(Case E-3/17)

(2017/C 108/15)

An action against Iceland was brought before the EFTA Court on 1 February 2017 by the EFTA Surveillance Authority, represented by Carsten Zatschler and Maria Moustakali, acting as Agents of the EFTA Surveillance Authority, 35 Rue Belliard, 1040 Brussels, Belgium.

The EFTA Surveillance Authority requests the EFTA Court to declare that:

1. By maintaining in force an authorisation system for fresh meat and meat products, such as laid down in Article 10 of Act No 25/1993 and Articles 3, 4 and 5 of Regulation (IS) No 448/2012, Iceland has failed to fulfil its obligations arising from the Act referred to at Point 1.1.1 of Chapter I of Annex I to the EEA Agreement, *Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market* as amended and as adapted to the EEA Agreement by Protocol 1 thereto and by the sectoral adaptions in Annex I thereto, and in particular Article 5 of that directive.

2. Iceland bears the costs of the proceedings.

Legal and factual background and pleas in law adduced in support:

— The EFTA Surveillance Authority (ESA) claims that Iceland has breached its obligations under Directive 89/662/EEC by maintaining in force an authorisation system for the import of, inter alia, fresh meat and meat products.

— ESA submits that the rules concerning the intra-EEA trade of products of animal origin and veterinary checks are harmonised at EEA level. Council Directive 89/662/EEC regulates veterinary checks in intra-EEA trade of products of animal origin. Its main objective is to eliminate veterinary checks at the EEA's internal borders while reinforcing the checks carried out at the point of origin. The competent authorities of the EEA State of destination may only check, by means of non-discriminatory spot-checks, compliance with the relevant EEA legislation.

— ESA submits that by maintaining in force the authorisation system for the importation of fresh meat and meat products, Iceland imposes additional requirements, which are not allowed by the harmonised at EEA level framework of veterinary checks.

— According to ESA, the noncompliance with EEA law of such imposition of additional requirements has already been recognised by the EFTA Court in its judgment in Case E-17/15 *Ferskar kjötvörur ehf.* v *the Icelandic State*.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.8312 — Panasonic Corporation/Ficosa International)

Candidate case for simplified procedure

(Text with EEA relevance)

(2017/C 108/16)

1. On 27 March 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]) by which Panasonic Corporation ('Panasonic', Japan) acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over Ficosa International ('Ficosa', Spain) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— Panasonic is active in the development and engineering of electronic technologies and solutions across various sectors.

— Ficosa focuses on the investigation, development, manufacture and commercialisation of systems and components for different types of vehicles.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ([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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.8312 — Panasonic Corporation/Ficosa International, 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.

Prior notification of a concentration

(Case M.8391 — Toyota Industries Europe/Vive)

Candidate case for simplified procedure

(Text with EEA relevance)

(2017/C 108/17)

1. On 29 March 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]) by which the undertaking Toyota Industries Europe AB, a wholly-owned subsidiary of Toyota Industries Corporation ('TICO', Japan) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Vive B.V. ('Vive', the Netherlands) by way of purchase of shares. Vive is the sole shareholder of Vanderlande Industries Holding B.V. ('Vanderlande').

2. The business activities of the undertakings concerned are:

— for TICO: manufacturing and sale of automobiles, engines, compressors for automotive air-conditioners, foundry parts, electronic components, material-handling equipment, logistics services and textile machinery.

— for Vive/Vanderlande: design, manufacture, sale and integration of industrial process control and automation equipment for airports, wharehousing and parcel handling.

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 email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.8391 – Toyota Industries Europe/Vive, 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

(2017/C 108/18)

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

'ΠΕΥΚΟΘΥΜΑΡΟΜΕΛΟ ΚΡΗΤΗΣ' (PEFKOTHYMAROMELO KRITIS)

EU No: PDO-EL-02142 — 17.5.2016

PDO (X) PGI ( )

1. **Name(s)**

'Πευφκοθυμαρόμελο Κρήτης' (Pefkothymaromelo Kritis)

2. **Member State or Third Country**

Greece

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

3.1. *Type of product*

Class 1.4. Other products of animal origin (eggs, honey, various dairy products except butter, etc.)

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

'Pefkothymaromelo Kritis' is a natural blend of thyme and pine honeys. It is produced in Crete as a result of specific hive management and/or the natural coexistence of late-flowering thyme and the honeydew secreted by *Marchalina hellenica* L., an insect that lives mainly on the Turkish pine (*Pinus brutes* Ten.) and the Aleppo pine (*Pinus halepensis* Mill.).

Physico-chemical characteristics:

Conductivity: ≥ 0,600 mS/cm; sum of glucose and fructose ≥ 50 %; percentage of sucrose ≤ 3 %; relative moisture ≤ 17 %, diastase activity ≥ 8 DN, hydroxymethylfurfural (HMF) ≤ 25 mg/kg; free acidity 20-50 meq/kg; water-insoluble content ≤ 0,1 g/100 g. The colour is stable and ranges from 70 to 130 mm on the Pfund scale. The product contains no detectable acaricide or plant protection product residues, with a detection limit of 10 mg/kg.

Microscopic characteristics:

While 'Pefkothymaromelo Kritis' has characteristics that define it as a honeydew honey (forest honey), its sediment also contains pollen grains from a number of nectariferous plants, which vary and may number up to 20 different species in each honey sample. The most important species is Mediterranean or conehead thyme (*Coridothymus capitatus* L.), which is found in all samples in a quantity of ≥ 10 % of total pollen grains of nectariferous species.

The ratio of honeydew elements to total pollen grains (HDE/P ratio) is from 0,5 to 6,5. The honeydew elements consist of spores of *Cladosporium* and *Fumago* and more rarely *Altenaria* and *Stemphylium*. The characteristic sharp-ended spores of the genus *Coleosporium* found in other honey blends containing pine honey are not present.

Organoleptic characteristics:

The product has a characteristic aroma that is primarily due to aromatic substances in the thyme honey. The pine honey gives it a mild, lingering flavour and it has medium clarity and sweetness. The aroma has floral notes and a faint scent of wood and resin. The smell is of medium intensity with slight sensations of fruit and wax, and the honey remains fluid for at least 12 months from the day of harvest.

([1]) OJ L 343, 14.12.2012, p. 1.

3.3. *Feed (for products of animal origin only) and raw materials (for processed products only)*

The bees are fed only in order to ensure the survival of the colony and feeding stops at least one month before the flowers bloom or honeydew is available. The beekeepers give the bees sugar syrup made from sugar beet, bee fondant and protein foods (pollen patties), when there is no food for them to forage (nectar, pollen). The bee food may come from outside the defined geographical area. In any event, the characteristics and quality of the honey are not affected by supplementary feeding of the bees.

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

All the stages of production must take place within the defined geographical area. To assure the quality and unique character of the product the hives are moved to the pine forests after the bees have foraged on thyme or to areas where the late-flowering thyme blooms when there is honeydew on the pine trees. The combs are harvested with as little smoking of the bees as possible and when at least 3/4 of the cells are capped. The honey is extracted using a honey extractor, transferred to settling tanks to clear and is not heated above 45 °C. Diseases are prevented and treated by appropriate hygiene measures and where necessary the use of safe, approved substances.

3.5. *Specific rules concerning slicing, grating, packaging, etc. of the product to which the registered name refers*

Packaging must take place within the geographical area defined in point 4. This requirement is necessary in order to facilitate the monitoring and verification of the origin of the honey, reduce the risk of blending with other honeys, prevent misuse of the name when selling honeys from elsewhere and ensure the application of the specific rules referred to in paragraph 3.6. The aim of the requirement is also to prevent the risk of alteration of the honey's physico-chemical (HMF, diastase activity) and organoleptic characteristics due to exposure to high temperatures, particularly in the summer months, when it is transported by sea from the island of Crete.

3.6. *Specific rules concerning labelling of the product to which the registered name refers*

In order to safeguard the quality and traceability of the product, any beekeeper or operator who sells the product must use a logo showing the island of Crete and the Malia bee pendant and the words 'Πευφκοθυμαρόμελο Κρήτης ΠΟΠ' ('Pefkothymaromelo Kritis PDO') (Figure 1). The logo will be distributed by the applicant beekeeper bodies. In addition, producers will be given a code number to denote each batch of honey produced, the place of production and the beekeepers' registration number. The label will bear the logo, the code number and all the requisite indications. The beekeepers' associations inform the inspection body regarding the detailed rules governing distribution of the labels. However, these rules must not lead to discrimination against producers who produce 'Pefkothymaromelo Kritis' in accordance with the specification but are not members of the said bodies.

4. Concise definition of the geographical area

The entire island of Crete, comprising the Prefectures of Heraklion, Lasithi, Rethymno and Chania.

5. Link with the geographical area

Natural factors

Crete's tremendous morphological diversity, in conjunction with its specific climate (it straddles the Mediterranean and North African climatic zones) and isolated geographical position, have fostered the development of many different plant species. According to recent figures the island is home to around 1 800 plant species, 180 of which are endemic. The abundance of melliferous plants has enabled beekeeping to thrive and today the island has one of the highest beehive densities in the world, with 33 hives per square kilometre.

This abundance of plants includes many aromatic species that flower in June-July, and in some areas the flowering season extends to August. The most important one is Mediterranean or conehead thyme (*Coridothymus capitatus*). During these months there is little rainfall because of the hot dry climate, so nectar is scant and the honey produced

is thick and very aromatic. This and the honeydew secreted by *Marchalina hellenica* gives beekeepers a special opportunity to produce a blend of the two different types of honey (thyme and pine), which is a distinct product with intermediate characteristics. The honeydew-producing insect lives as a parasite on the Turkish pine (*Pinus brutia* Ten.) and the Aleppo pine (*Pinus halepensis* Mill.) and is found only in Greece and Turkey.

The human factor

With their knowledge of bee behaviour and the specific conditions that prevail on the island in the autumn, the beekeepers use the following special production technique: when the thyme is being foraged, they leave the brood to expand uncontrolled and the bees to store honey in circles above it. At this stage, the beekeepers selectively harvest the combs, removing only those that contain clearly sealed thyme honey. Later, when the bees collect the pine honeydew there is no pollen and they instinctively shrink the brood. The beekeepers do not intervene, leaving the brood to shrink so that the bees will store honey in its place. They can afford do this because temperatures in the autumn are still high so the bees can then collect nectar from autumn-flowering plants such as carob (*Ceratonia siliqua*), ivy (*Hedera helix*), wild asparagus (*Asparagus officinalis*), sea squill (*Urginea maritima*) and others to renew their population. If the bees were not able to renew their population in the autumn the colony would not survive the winter. The beekeepers are aided by the island's specific climatic conditions, the flowers that provide plenty of pollen and nectar and the instinctive behaviour of the bees, which enable them to manage the hives in this distinctive way. 'Pefkothymaromelo Kritis' is also a product of the natural coexistence of late-flowering thyme and pine honeydew, which is a common phenomenon in Crete.

Specificity of the product

The specificity of 'Pefkothymaromelo Kritis' is due to its physico-chemical, microscopic and organoleptic characteristics:

— physico-chemical characteristics: conductivity (≥ 0,600 mS/cm), moisture (≤ 17 %), sum of glucose and fructose (≥ 50 %) and colour (70-130 mm Pfund),

— microscopic characteristics: thyme pollen grains ≥ 10 %, absence of *Coleosporium* spores,

— organoleptic characteristics: distinctive aroma and a pleasant, less intensely sweet flavour.

The low HMF concentration (≤ 25 mg/kg), low sucrose concentration (≤ 3 %) and non-detectable levels of acaricides and plant protection products (≤ 10 µg/kg) are the basis of the product's quality and specificity.

Causal link between the geographical area and the quality or characteristics of the product

Since time immemorial Crete has been covered with aromatic plants and thyme and the honeydew secreted by the pine parasite *Marchalina hellenica* L. has been known since at least the 18th century (Gennadius, 1883). *Marchalina hellenica* L. secretes honeydew on the pine trees after the thyme plants have produced nectar or in some areas nectar and honeydew production coincide, resulting in a unique natural blend of thyme and pine honeys that is closely linked to its area of origin. The conductivity, the sum of glucose and fructose, the mild flavour and its slow crystallisation are due to the pine honeydew, while the aromatic substances and thyme pollen grains are due to a variety of aromatic native and endemic flowers, which in the island's hot, dry climate produce small quantities of concentrated, aromatic nectar. As a result, 'Pefkothymaromelo Kritis' is thick (i.e. it has a low moisture content), aromatic, contains pollen grains from a large number of Cretan plants and has the specific characteristics described above.

The Cretan beekeepers developed specific ways of taking advantage of the combination of soil and climatic conditions, the distinctive vegetation, the presence of pine honeydew and the instinctive behaviour of the bees to produce 'Pefkothymaromelo Kritis'. This technique was based on knowledge was built up from one generation to the next, as they had to adapt their activity to the environment, the behaviour of the bees and climatic conditions. While carefully conducted correct hive management is a key factor, the final product is also distinctive because of its quality characteristics, as confirmed by the HMF index, sucrose content and the absence of acaricide and plant protection product residues.

Publication reference of the specification

(the second subparagraph of Article 6(1) of this Regulation)

http://www.minagric.gr/images/stories/docs/agrotis/POP-PGE/prod_pefkothimaromelo_kriti.pdf

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