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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

4 October 2017

(2017/C 333/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1787	CAD	Canadian dollar	1,4678
JPY	Japanese yen	132,47	HKD	Hong Kong dollar	9,2007
DKK	Danish krone	7,4427	NZD	New Zealand dollar	1,6403
GBP	Pound sterling	0,88768	SGD	Singapore dollar	1,6023
SEK	Swedish krona	9,5425	KRW	South Korean won	1 342,67
CHF	Swiss franc	1,1456	ZAR	South African rand	15,9832
ISK	Iceland króna		CNY	Chinese yuan renminbi	7,8163
NOK	Norwegian krone	9,3533	HRK	Croatian kuna	7,5051
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 857,61
CZK	Czech koruna	25,886	MYR	Malaysian ringgit	4,9830
HUF	Hungarian forint	311,20	PHP	Philippine peso	60,071
PLN	Polish zloty	4,2971	RUB	Russian rouble	67,8176
RON	Romanian leu	4,5808	THB	Thai baht	39,274
TRY	Turkish lira	4,2016	BRL	Brazilian real	3,6929
AUD	Australian dollar	1,4986	MXN	Mexican peso	21,3870
			INR	Indian rupee	76,6410

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

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting of 19 June 2017 regarding a draft decision relating to Case AT.40013 — Lighting Systems

Rapporteur: Hungary

(2017/C 333/02)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes an agreement and/or concerted practice between undertakings within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
 2. The Advisory Committee agrees with the Commission's assessment of the product and geographic scope of the agreement and/or concerted practice contained in the draft decision.
 3. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision participated in a single and continuous infringement of Article 101 of the TFEU and Article 53 of the EEA Agreement.
 4. The Advisory Committee agrees with the Commission that the object of the agreement and/or concerted practice was to restrict competition within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
 5. The Advisory Committee agrees with the Commission that the agreement and/or concerted practice were 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 of the infringement.
 7. The Advisory Committee agrees with the Commission's draft decision as regards the addressees.
 8. The Advisory Committee agrees with the Commission that a fine 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.
 10. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
 11. The Advisory Committee agrees with the determination of the duration for the purpose of calculating the fines.
 12. The Advisory Committee agrees with the Commission that there are no aggravating and no mitigating circumstances applicable in this case.
 13. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice.
 14. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice.
 15. The Advisory Committee agrees with the Commission on the final amounts of the fines.
 16. 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⁾**AT.40013 — Lighting Systems**

(2017/C 333/03)

On 18 May 2016, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 ⁽²⁾ and Article 2(1) of Regulation (EC) No 773/2004 ⁽³⁾ against Valeo ⁽⁴⁾, Automotive Lighting ⁽⁵⁾ and Hella ⁽⁶⁾, (collectively 'the parties').

Following settlement discussions ⁽⁷⁾ and settlement submissions ⁽⁸⁾ in accordance with Article 10a(2) of Regulation (EC) No 773/2004, the Commission adopted a Statement of Objections ('SO') on 10 May 2017. According to the SO, the parties have participated in an infringement of Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the European Economic Area (EEA) Agreement, consisting of anti-competitive contacts in the EEA regarding pricing of automotive lighting systems and certain other trading conditions from July 2004 to October 2007 ⁽⁹⁾. The parties' respective replies to the SO confirmed that the SO reflected the contents of their settlement submissions and that they remained committed to follow the settlement procedure.

Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known its views. I conclude that it does so.

In view of the above, and taking into account that the parties have not addressed any requests or complaints to me ⁽¹⁰⁾, I consider that the effective exercise of the procedural rights of the parties to the proceedings in this case has been respected.

Brussels, 20 June 2017.

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⁾ Valeo S.A., Valeo Service SAS and Valeo Vision SAS.

⁽⁵⁾ Magneti Marelli S.p.A. and Automotive Lighting Reutlingen GmbH.

⁽⁶⁾ Hella KGaA Hueck & Co.

⁽⁷⁾ The settlement meetings took place between June 2016 and April 2017.

⁽⁸⁾ The parties' requests to settle were submitted between [...].

⁽⁹⁾ As regards Valeo and Automotive Lighting the infringement started on 7 July 2004 whereas for Hella it started on 1 January 2006. The end date of the infringement for all parties is 25 October 2007.

⁽¹⁰⁾ 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 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 June 2017
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.40013 — Lighting Systems)
(notified under document C(2017) 4100)
(Only the English text is authentic)
(2017/C 333/04)

On 21 June 2017, 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: Valeo S.A., Valeo Service SAS and Valeo Vision SAS (together referred to as 'Valeo'); Magneti Marelli S.p.A. and Automotive Lighting Reutlingen GmbH (together referred to as 'Automotive Lighting') and Hella KGaA Hueck & Co. ('Hella') (also referred to as the 'parties' or individually the 'party').
- (3) The products concerned by the infringement are automotive lighting systems. The addressees of this decision were involved in a series of anti-competitive contacts regarding the original equipment spare parts ('OES') after the end of series production, including contacts relating to price and certain other trading conditions.

2. CASE DESCRIPTION

2.1. Procedure

- (4) The case started following an immunity application submitted by Valeo in January 2012. In July 2012, the Commission conducted unannounced inspections under Article 20(4) of Regulation (EC) No 1/2003, followed by a number of requests of information under Article 18(2) of Regulation (EC) No 1/2003 and point 12 of the Leniency Notice⁽²⁾.
- (5) Automotive Lighting subsequently applied for leniency in August 2012. Hella applied for leniency in September 2012.
- (6) Proceedings were initiated on 18 May 2016 with a view to engage in settlement discussions with the parties. Subsequently, all parties submitted to the Commission their formal request to settle pursuant to Article 10a(2) of Regulation (EC) No 773/2004⁽³⁾.
- (7) On 10 May 2017, the Commission adopted the Statement of Objections addressed to the parties. All parties replied to the Statement of Objections by confirming that it reflected the contents of their settlement submissions and that they remained committed to following the settlement procedure.
- (8) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 20 June 2017.
- (9) The Commission adopted this Decision on 21 June 2017.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ Commission Notice on Immunity from fines and reduction of fines in cartel cases (OJ C 298, 8.12.2006, p. 17).

⁽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).

2.2. Duration

- (10) The following undertakings have infringed Article 101 of the Treaty and Article 53 of the EEA Agreement, by participating, during the periods indicated below, in anti-competitive practices in respect to the supply of automotive lighting systems:

Undertaking	Duration
Valeo	7 July 2004 - 25 October 2007
Automotive Lighting	7 July 2004 - 25 October 2007
Hella	1 January 2006 - 25 October 2007

2.3. Summary of the infringement

- (11) The decision covers the supply of automotive lighting systems ('Lighting Systems') in the EEA from 7 July 2004 to 25 October 2007 with variations regarding the start date for each party. The overall duration of the infringement is thus 3 years and 3 months.
- (12) The products concerned by the cartel are Lighting Systems, which include headlamps, daytime running lights, rear lights and high-mounted stop lamps, fog lights and auxiliary lights. Lighting Systems are sold by the suppliers to equip new vehicles or on aftermarket as spare/replacement parts. The cartel covered supplies of the Lighting Systems in the EEA on the original equipment spare parts ('OES') aftermarket, after the end of series production.
- (13) The cartel consisted of a series of anti-competitive contacts relating to price and certain other trading conditions. The collusive discussions concerned quoting and negotiation strategies, status of negotiations with customers regarding price increases, the position of the parties at individual customers regarding the OES pricing models, customer pricing requests as well as information exchange on the future outlook and trends in the OES industry.
- (14) Moreover, the parties agreed that they should aim for a price increase after the end of series production and coordinated on a target end of the contractual availability of the spare parts after the end of series production.
- (15) The cartel has mainly operated on the basis of bilateral contacts, however at least one multilateral contact was also organised. Geographically, the anti-competitive discussions took place in the EEA, mainly in France or Germany. Between 2004 and 2006, the parties progressively developed their anti-competitive contacts towards sales to all original equipment manufacturers ('OEM') which were customers of the parties in the EEA in 2007.

2.4. Addressees

- (16) The following legal entities are held liable by the Commission in the decision:
- (a) Valeo S.A., Valeo Service SAS and Valeo Vision SAS jointly and severally;
 - (b) Magneti Marelli S.p.A. and Automotive Lighting Reutlingen GmbH jointly and severally; and
 - (c) Hella KGaA Hueck & Co.

2.5. Remedies

- (17) The decision applies the 2006 Guidelines on Fines ⁽¹⁾.

2.5.1. Basic amount of the fine

- (18) In order to better reflect the actual impact of the cartel, a proxy for the annual value of sales (based on the actual value of OES Lighting Systems sales after the end of series production in the EEA, made by the undertakings in the relevant period of their participation in the infringements) is used as the basis for the calculation of the basic amount of the fines imposed.

⁽¹⁾ OJ C 210, 1.9.2006, p. 2.

- (19) Considering the nature of the infringement and its geographic scope (EEA), the percentage for the variable amount of the fines as well as the additional amount ('entry fee') is set at 16 % of the value of sales for the infringement.
- (20) The variable amount is multiplied by the number of years or by fractions of the year respectively of the parties' participation in the infringement in order to take fully into account the duration of the participation for each undertaking in the infringement individually. The Commission takes into account the actual duration of participation in the infringement of the parties on the basis of the full years, months and days.
- (21) Given that the scope of conduct in terms of the OEM customers affected gradually expanded from a number of OEMs to all OEMs which were customers of the parties in the EEA in 2007, three distinct groups of customers were identified for which the value of sales is calculated separately, applying distinct duration multipliers.

2.5.2. Adjustments to the basic amount

- (22) No aggravating or mitigating circumstances are applied in this decision. No deterrence multiplier is applied in this decision to any of the parties.

2.5.3. Application of the 10 % turnover limit

- (23) None of the fines calculated exceed 10 % of the respective undertaking's total turnover in the business year preceding the date of the Decision.

2.5.4. Application of the 2006 Leniency Notice: reduction of fines

- (24) Valeo was the first to submit information and evidence meeting the conditions of point 8(a) of the 2006 Leniency Notice and is thus granted immunity from fines.
- (25) Automotive Lighting was the first undertaking to meet the requirements of points 24 and 25 of the 2006 Leniency Notice and is granted a reduction of 35 % of the fine.
- (26) Hella was the second undertaking to meet the requirements of points 24 and 25 of the Leniency Notice and is granted a reduction of 20 % of the fine.

2.5.5. Application of the Settlement Notice

- (27) As a result of the application of the Settlement Notice, the amount of the fines imposed on Automotive Lighting and Hella is further reduced by 10 %.

3. CONCLUSION

- (28) The following fines were imposed pursuant to Article 23(2) of Regulation (EC) No 1/2003.
- (a) Valeo: EUR 0
- (b) Automotive Lighting: EUR 16 347 000
- (c) Hella: EUR 10 397 000
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COURT OF AUDITORS

Special Report No 13/2017

'A single European rail traffic management system: will the political choice ever become reality?'

(2017/C 333/05)

The European Court of Auditors hereby informs you that Special Report No 13/2017 'A single European rail traffic management system: will the political choice ever become reality?' has just been published.

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

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

State aid — Decision to raise no objections

(2017/C 333/06)

The EFTA Surveillance Authority raises no objections to the following State aid measure:

Date of adoption of the decision:	13 July 2017
Case No:	80780
Decision No:	143/17/COL
EFTA State:	Norway
Region:	The three Counties Nordland, Troms and Finnmark
Title (and/or name of the beneficiary):	Tour operators
Legal basis:	Budgetary decisions taken by the Counties Nordland, Troms and Finnmark
Type of measure:	Operating aid
Objective:	The objective is to prevent depopulation through the creation of jobs in the tourist industry by supporting tour operators organising charter flights (i.e. not scheduled flights) to airports in three counties in Northern Norway.
Form of aid:	Operating aid
Budget:	NOK 10 million
Intensity:	25 %
Duration:	Prolongation from 1.11.2017 to 31.12.2020
Economic sectors:	Tour operators with charter flights
Name and address of the granting authority:	The three Counties Nordland, Troms and Finnmark

Other information:

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website:

<http://www.eftasurv.int/state-aid/state-aid-register/>

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