NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2018/C 143/01 Euro exchange rates ................................................................. 1
2018/C 143/02 Opinion of the Advisory Committee on restrictive practices and dominant positions at its meeting on 19 February 2018 concerning the draft decision relating to Case AT.39920 — Braking Systems — Rapporteur: FINLAND ...................................................... 2
2018/C 143/03 Final Report of the Hearing Officer — Braking Systems (AT.39920) ................................................. 3

Announcements

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2018/C 143/05 Prior notification of a concentration (Case M.8885 — Carlyle/Accolade Wines Holdings Australia/Accolade Wines Holdings Europe) — Candidate case for simplified procedure (1) ........................................... 8
2018/C 143/06 Prior notification of a concentration (Case M.8856 — Archer Daniels Midland/Cargill/JV Egypt) — Candidate case for simplified procedure (1) .................................................. 10

(1) Text with EEA relevance.
NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

**Euro exchange rates**

23 April 2018

(2018/C 143/01)

1 euro =

<table>
<thead>
<tr>
<th>Currency</th>
<th>Exchange rate</th>
<th>Currency</th>
<th>Exchange rate</th>
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<tr>
<td>USD US dollar</td>
<td>1,2238</td>
<td>CAD Canadian dollar</td>
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</tr>
<tr>
<td>JPY Japanese yen</td>
<td>132,38</td>
<td>HKD Hong Kong dollar</td>
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<td>DKK Danish krone</td>
<td>7,4477</td>
<td>NZD New Zealand dollar</td>
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<tr>
<td>GBP Pound sterling</td>
<td>0,87640</td>
<td>SGD Singapore dollar</td>
<td>1,6188</td>
</tr>
<tr>
<td>SEK Swedish krona</td>
<td>10,3763</td>
<td>KRW South Korean won</td>
<td>1 318,33</td>
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<tr>
<td>CHF Swiss franc</td>
<td>1,1941</td>
<td>ZAR South African rand</td>
<td>14,9600</td>
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<tr>
<td>ISK Iceland króna</td>
<td>123,20</td>
<td>CNY Chinese yuan renminbi</td>
<td>7,7208</td>
</tr>
<tr>
<td>NOK Norwegian krone</td>
<td>9,6258</td>
<td>HRK Croatian kuna</td>
<td>7,4153</td>
</tr>
<tr>
<td>BGN Bulgarian lev</td>
<td>1,9558</td>
<td>IDR Indonesian rupiah</td>
<td>17 059,77</td>
</tr>
<tr>
<td>CZK Czech koruna</td>
<td>25,408</td>
<td>MYR Malaysian ringgit</td>
<td>4,7636</td>
</tr>
<tr>
<td>HUF Hungarian forint</td>
<td>311,38</td>
<td>PHP Philippine peso</td>
<td>64,073</td>
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<td>PLN Polish zloty</td>
<td>4,1893</td>
<td>RUB Russian rouble</td>
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</tr>
<tr>
<td>RON Romanian leu</td>
<td>4,6577</td>
<td>THB Thai baht</td>
<td>38,537</td>
</tr>
<tr>
<td>TRY Turkish lira</td>
<td>5,0079</td>
<td>BRL Brazilian real</td>
<td>4,1981</td>
</tr>
<tr>
<td>AUD Australian dollar</td>
<td>1,6010</td>
<td>MXN Mexican peso</td>
<td>22,9000</td>
</tr>
</tbody>
</table>

(1) Source: reference exchange rate published by the ECB.
Opinion of the Advisory Committee on restrictive practices and dominant positions at its meeting on 19 February 2018 concerning the draft decision relating to Case AT.39920 — Braking Systems

Rapporteur: FINLAND

(2018/C 143/02)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes two separate agreements and/or concerted practices between undertakings which amount to two infringements within the meaning of Article 101 TFEU and Article 53 EEA Agreement.

2. The Advisory Committee agrees with the Commission’s assessment of the product and geographical scope for each of the two infringements contained in the draft decision.

3. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision have participated in one or both of the two single and continuous infringements of Article 101 TFEU and Article 53 EEA Agreement, as spelled out in the draft decision.

4. The Advisory Committee agrees with the Commission that the object of the two infringements was to restrict competition within the meaning of Article 101 TFEU and Article 53 EEA Agreement.

5. The Advisory Committee agrees with the Commission that the two infringements 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 two infringements.

7. The Advisory Committee agrees with the Commission’s draft decision as regards the addressees in respect of each of the two infringements.

8. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision for each of the two infringements in which they were involved.


10. The Advisory Committee agree 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 an uplift for recidivism should be applied to one undertaking concerned by the draft decision.

13. The Advisory Committee agrees with the Commission that a multiplier for deterrence should be applied to two undertakings concerned by the draft decision.

14. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice.

15. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice.

16. The Advisory Committee agrees with the Commission on the final amounts of the fines.

17. The Advisory Committee recommends the publication of its Opinion in the Official Journal of the European Union.
Final Report of the Hearing Officer

Braking Systems

(AT.39920)

(2018/C 143/03)

On 22 September 2016, the Commission initiated proceedings pursuant to Article 11(6) of Council Regulation (EC) No 1/2003 and Article 2(1) of Regulation (EC) No 773/2004 against three undertakings: TRW, Bosch and Continental (collectively ‘the parties’).

Following settlement discussions and settlement submissions in accordance with Article 10a(2) of Regulation (EC) No 773/2004, the Commission adopted a Statement of Objections (‘SO’) on 4 December 2017 and notified it to the parties on 5 December 2017. According to the SO, the parties participated in one or both of two single and continuous infringements of Article 101 of the TFEU and Article 53 of the European Economic Area (EEA) Agreement in respect of their sales of hydraulic braking system components and electronic braking systems for passenger cars to a number of car manufacturers in the EEA.

In their respective replies to the SO the parties confirmed pursuant to Article 10a(3) of Regulation (EC) No 773/2004 that the SO reflected the contents of their settlement submissions.

The Commission’s draft decision finds that the parties infringed Article 101 of the TFEU and Article 53 of the EEA Agreement by participating in one or both of two single and continuous infringements consisting in the exchange of sensitive business information with a view to reducing competitive uncertainty for sales of hydraulic braking system components and electronic braking systems for passenger cars to a number of car manufacturers in the EEA. The draft decision finds that the first infringement concerning the sale of hydraulic braking system components started on 13 February 2007 and lasted until 18 March 2011 whereas the second infringement concerning the sale of electronic braking systems lasted from 29 September 2010 until 7 July 2011.

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, I consider that the effective exercise of the procedural rights of the parties to the proceedings in this case has been respected.

Brussels, 20 February 2018.

Joos STRAGIER

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(*) 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).


(3) ZF TRW Automotive Holdings Corp., TRW KFZ Ausriistung GmbH and Lucas Automotive GmbH (together ‘TRW’).

(4) Robert Bosch GmbH (‘Bosch’).

(5) Continental AG, Continental Teves AG & Co. oHG and Continental Automotive GmbH (together ‘Continental’).

(6) 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, 27.2.2008, p. 1).
Summary of Commission Decision
of 21 February 2018
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.39920 – Braking Systems)
(notified under document C(2018) 925)
(Only the English text is authentic)
(2018/C 143/04)

On 21 February 2018, 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) On 21 February 2018, the Commission adopted a Decision relating to two single and continuous infringements of Article 101 of the Treaty and Article 53 of the EEA Agreement. The infringements concerned the exchange of sensitive business information for the purpose of reducing competitive uncertainty in the area of sales of hydraulic braking system components and electronic braking systems for passenger cars to a number of car manufacturers in the EEA.

(2) Braking systems are an essential input for car manufacturers. Hydraulic braking systems consist of an actuation system (brake booster/main brake cylinder) and a foundation system (disc brake with saddle or drum brake and wheel brake cylinder). Electronic braking systems prevent cars from skidding by providing electronic stability controls when braking (ABS) or under all driving conditions (ESC).

(3) This Decision is addressed to TRW (2), Bosch (3) and Continental (4) (the ‘Parties’).

2. CASE DESCRIPTION

2.1. Procedure

(4) In July 2011, TRW applied for immunity under the 2006 Leniency Notice in respect of bilateral contacts with Bosch concerning sales of braking systems for passenger cars to customer Daimler. In November 2011, the Commission carried out inspections at the premises of Bosch. Also in November 2011, Bosch submitted a leniency application in respect of sales of hydraulic braking systems for passenger cars to customer Daimler and reported its bilateral contacts with TRW and Continental in that regard. In September 2014, the Commission carried out inspections at the premises of Continental. In December 2014, Continental submitted a leniency application in respect of sales of hydraulic braking systems for passenger cars to customer Daimler and BMW and reported its bilateral contacts with both TRW and Bosch in that regard. Continental also reported its bilateral contacts with Bosch in respect of sales of electronic braking systems for passenger cars to customer VW.

(5) On 22 September 2016, the Commission initiated proceedings with a view to engaging in settlement discussions with the parties. During those discussions, which took place between October 2016 and September 2017, all parties reacted to the envisaged objections and evidence disclosed to them. Subsequently, the Parties submitted their formal requests to settle to the Commission pursuant to Article 10a(2) of Regulation (EC) No 773/2004 (5).

(6) On 4 December 2017, the Commission adopted the Statement of Objections. All parties unequivocally confirmed that the Statement of Objections corresponded to the contents of their settlement submissions and that they therefore remained committed to follow the settlement procedure.

(2) The relevant legal entities for TRW are: ZF TRW Automotive Holdings Corp., TRW KFZ Ausrüstung GmbH and Lucas Automotive GmbH.
(3) The relevant legal entity for Bosch is: Robert Bosch GmbH.
(4) The relevant legal entities for Continental are: Continental AG, Continental Teves AG & Co. oHG and Continental Automotive GmbH.
2.2. **Summary of the Infringements**

(8) The two separate infringements concern the supply of braking system components or braking systems for passenger cars in the EEA. The scope of the infringements is as follows:

**Infringement I:** Coordination between TRW, Bosch and Continental concerning supplies of hydraulic braking system components to customers Daimler (Mercedes brand) and BMW (BMW brand).

**Infringement II:** Coordination between Continental and Bosch concerning supplies of electronic braking systems to customer VW for the MLB evo-platform.

2.2.1. **Infringement I**

(9) Infringement I consisted of contacts between the three automotive suppliers TRW, Bosch and Continental concerning sales in the EEA of hydraulic braking system components (brake booster/main brake cylinder, disc brake with saddle or drum brake and wheel brake cylinder) excluding brake discs (HBS) for passenger cars to customers Daimler (Mercedes-Benz brand) and BMW (BMW brand).

(10) The collusive conduct consisted of bilateral exchanges of competitively sensitive business information between the three suppliers. With the aim of coordinating their market conduct relating to Daimler and BMW, the participants exchanged information regarding their willingness to accept Daimler’s 3-year-policy and BMW’s 4-year-policy clause (1), respectively, and discussed the purchasing terms and conditions of Daimler and BMW. The exchanges concerning Daimler also related to raw material cost compensation, cost transparency and volume reductions.

2.2.2. **Infringement II**

(11) Infringement II consisted of bilateral collusive exchanges between Continental and Bosch concerning sales in the EEA of electronic braking systems (EBS) for passenger cars for the MLB evo-platform (2) of customer VW.

(12) Following RFQs for the MLB evo-platform, the parties discussed their interest in the contract, disclosed their intentions to each other and exchanged information on their respective offers.

2.3. **Duration**

(13) The duration of the participation of each party in the infringements was as follows:

<table>
<thead>
<tr>
<th>Infringement</th>
<th>Undertaking</th>
<th>Scope: Sales of</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>TRW, Bosch</td>
<td>HBS (to Daimler to BMW)</td>
<td>13.2.2007 29.6.2010</td>
<td>18.3.2011</td>
</tr>
<tr>
<td></td>
<td>Continental</td>
<td>HBS (to Daimler to BMW)</td>
<td>13.2.2007 29.6.2010</td>
<td>19.3.2010 18.3.2011</td>
</tr>
<tr>
<td>II</td>
<td>Continental, Bosch</td>
<td>EBS (to VW for MLB evo-platform)</td>
<td>29.9.2010</td>
<td>7.7.2011</td>
</tr>
</tbody>
</table>

(1) In 2008, Daimler asked for price commitments for after-series components. Suppliers were asked to supply components for 3 years after the end of production at the same price as during the active series production phase of a given vehicle, hence ‘3 year policy’ or ‘3YP’. BMW’s ‘4YP’ led to a similar customer request.

(2) This platform is used to produce certain Audi models and the Porsche Macan.
3. **ADRESSEES**

3.1.1. **TRW**

(14) Liability for the infringement is imputed to TRW as follows:

— for Infringement I, jointly and severally to ZF TRW Automotive Holdings Corp., TRW KFZ Ausrüstung GmbH and Lucas Automotive GmbH for the period from 13 February 2007 until 18 March 2011

3.1.2. **Bosch**

(15) Liability for the infringements is imputed to Bosch as follows:

— for Infringement I, to Robert Bosch GmbH for the period from 13 February 2007 until 18 March 2011;

— for Infringement II, to Robert Bosch GmbH for the period from 29 September 2010 until 7 July 2011.

3.1.3. **Continental**

(16) Liability for the infringements is imputed to Continental as follows:

— for Infringement I, jointly and severally to Continental AG, Continental Teves AG & Co. oHG and Continental Automotive GmbH for the period from 13 February 2007 until 18 March 2011;

— for Infringement II, jointly and severally to Continental AG and Continental Teves AG & Co. oHG for the period from 29 September 2010 until 7 July 2011.

4. **REMEDIES**

(17) The Decision applies the 2006 Guidelines on fines (1).

4.1. **Basic amount of the fine**

(18) In Infringement I, the value of sales was calculated on the basis of averages of sales of HBS in the EEA to Daimler and BMW in the (full) years of participation in the infringement.

(19) In Infringement II, the value of sales was calculated on the basis of averages of sales of EBS in the EEA to VW in the years of participation in the infringement. As Continental had no actual relevant sales in this period, a fictional value of sales was calculated for it, as a proxy of its relative size and responsibility in the infringement, on the basis of the ratio of worldwide turnovers of the participants applied to the relevant sales of Bosch.

(20) Considering the nature of the infringements and their geographic scope, the percentage for the variable amount of the fines, as well as the additional amount (entry fee), was set at 16 % of the value of sales for the infringements.

(21) The variable amount was multiplied by the number of years or by fractions of the year respectively of the Parties’ individual participation in the infringement(s). The increase for duration was calculated on the basis of days.

4.1.1. **Adjustments to the basic amount.**

(22) There were no aggravating or mitigating circumstances in this case, other than an aggravating factor of 50 % for Continental due to recidivism (previously addressee of Commission decision of 28 January 2009 in case AT.39406 Marine Hoses).

(23) A deterrence multiplier of 1.2 is applied to Bosch and of 1.1 to Continental to take account of the comparatively large size of these undertakings.

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4.2. **Application of the 10% of turnover limit**

(24) None of the fines calculated exceed 10% of the respective undertaking’s total turnover in 2017.

4.3. **Application of the Leniency Notice**

4.3.1. **Immunity from fines**

(25) TRW was the first to submit information and evidence meeting the conditions of point 8(a) of the 2006 Leniency Notice in Infringement I. TRW was thus granted immunity from fines for Infringement I.

(26) Continental was the first to submit information and evidence meeting the conditions of point 8(b) of the 2006 Leniency Notice in Infringement II. Continental was therefore granted immunity from fines for Infringement II. Continental was also first to submit compelling evidence in the sense of point 25 of the 2006 Leniency Notice that enabled the Commission to include sales to a customer in Infringement I. In accordance with point 26 of the 2006 Leniency Notice, the value of sales to this customer was not taken into account when setting the fine for Continental for Infringement I.

(27) Continental was the second undertaking to meet the requirements of points 24 and 25 of the Leniency Notice as regards Infringement I and was granted a reduction of 20% of the fine.

(28) Bosch was the first undertaking to meet the requirements of points 24 and 25 of the 2006 Leniency Notice as regards Infringements I and II and was granted a reduction of the fine of 35% for Infringement I and 30% for Infringement II.

4.4. **Application of the Settlement Notice**

(29) As a result of the application of the Settlement Notice, the amount of the fines to be imposed on each Party was reduced by 10%. The reduction was added to their leniency reward.

5. **FINES IMPOSED BY THE DECISION**

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

for the single and continuous infringement I lasting from 13 February 2007 until 18 March 2011,

(a) on ZF TRW Automotive Holdings Corp., TRW KFZ Ausrüstung GmbH and Lucas Automotive GmbH jointly and severally: EUR 0;

(b) on Robert Bosch GmbH: EUR 12,072,000;

(c) on Continental AG, Continental Teves AG & Co. oHG and Continental Automotive GmbH jointly and severally: EUR 44,006,000.

for the single and continuous infringement II lasting from 29 September 2010 until 7 July 2011:

(a) on Continental AG and Continental Teves AG & Co. oHG jointly and severally: EUR 0;

(b) on Robert Bosch GmbH: EUR 19,348,000.
PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case M.8885 — Carlyle/Accolade Wines Holdings Australia/Accolade Wines Holdings Europe)

Candidate case for simplified procedure
(Text with EEA relevance)
(2018/C 143/05)

1. On 13 April 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (1).

This notification concerns the following undertakings:
— Carlyle Asia Partners IV, L.P., belonging to the Carlyle Group,
— Accolade Wines Holdings Australia Pty Ltd, controlled by CHAMP III Management Pty Ltd,
— Accolade Wines Holdings Europe Limited, controlled by CHAMP III Management Pty Ltd.

Carlyle group acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Accolade Wines Holdings Australia Pty Ltd and Accolade Wines Holdings Europe Limited (together — the Accolade Group).

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
— for the Carlyle Group: global alternative asset management,
— for Accolade: production, marketing and sale predominantly at wholesale level of wine and wine products.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 (2) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.8885 — Carlyle/Accolade Wines Holdings Australia/Accolade Wines Holdings Europe

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu
Fax +32 22964301
Postal address:
European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIE
Prior notification of a concentration
(Case M.8856 — Archer Daniels Midland/Cargill/JV Egypt)
Candidate case for simplified procedure
(Text with EEA relevance)
(2018/C 143/06)

1. On 17 April 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (\(^1\)).

This notification concerns the following undertakings:

— Archer Daniels Midland Europe B.V. (‘ADM’, The Netherlands), controlled by the Archer Daniels Midland group of companies (U.S.),

— Cargill International Luxembourg 2 SARL (‘Cargill’, Luxembourg), controlled by the Cargill Incorporated group of companies (U.S.),

— National Vegetable Oils Co (‘NVOC’, Egypt), currently solely controlled by Cargill.

ADM and Cargill acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of the whole of NVOC.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for undertaking ADM, processing of oilseeds, corn, sugar, wheat and other agricultural commodities and a manufacturer of vegetable oils and fats, vegetable protein, meal, corn, sweeteners, flour, biodiesel, ethanol, and other value added food and feed ingredients. ADM has operations globally,

— for undertaking Cargill, international production and marketing of food, and agricultural and risk management products and services. Cargill’s businesses include grain and commodity merchandising, oilseed and grain processing and refining, flour milling, meat processing and financial services,

— for undertaking NVOC, a soybean oil crush facility, that produces and sells crude soybean oil, soybean meal and soybean hulls in the Egyptian market.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 (\(^2\)) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.8856 — Archer Daniels Midland/Cargill/JV Egypt

\(^1\) OJ L 24, 29.1.2004, p. 1 (the ‘Merger Regulation’).
Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu
Fax +32 22964301
Postal address:
European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË