

Official Journal of the European Union

C 395



English edition

Information and Notices

Volume 61

31 October 2018

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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

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

EUROPEAN COMMISSION

Withdrawal of notification of a concentration**(Case M.8948 — Spirit/Asco)****(Text with EEA relevance)**

(2018/C 395/01)

(Council Regulation (EC) No 139/2004)

On 17 September 2018, the Commission received notification of a proposed concentration between Spirit and Asco.
On 25 October 2018, the notifying party informed the Commission that it withdrew its notification.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾**30 October 2018**

(2018/C 395/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,1372	CAD Canadian dollar	1,4941
JPY Japanese yen	128,28	HKD Hong Kong dollar	8,9229
DKK Danish krone	7,4614	NZD New Zealand dollar	1,7349
GBP Pound sterling	0,89148	SGD Singapore dollar	1,5739
SEK Swedish krona	10,4200	KRW South Korean won	1 295,91
CHF Swiss franc	1,1386	ZAR South African rand	16,6291
ISK Iceland króna	137,70	CNY Chinese yuan renminbi	7,9203
NOK Norwegian krone	9,5435	HRK Croatian kuna	7,4315
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	17 301,42
CZK Czech koruna	25,870	MYR Malaysian ringgit	4,7558
HUF Hungarian forint	324,95	PHP Philippine peso	60,862
PLN Polish zloty	4,3307	RUB Russian rouble	74,6963
RON Romanian leu	4,6670	THB Thai baht	37,880
TRY Turkish lira	6,2613	BRL Brazilian real	4,2282
AUD Australian dollar	1,6025	MXN Mexican peso	22,7513
		INR Indian rupee	83,7280

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

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

CALL FOR PROPOSALS

Support for information measures relating to the common agricultural policy (CAP) for 2019

(2018/C 395/03)

1. INTRODUCTION — BACKGROUND

This is a call for proposals for information measures based on Article 45 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾.

This call for proposals is also governed by Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 ⁽²⁾ (Financial Regulation).

An information measure is a self-contained and coherent set of information activities organised on the basis of a single budget.

2. OBJECTIVES, THEMES AND TARGET PUBLIC

2.1. Objectives

The general objective of the call is to build trust within the EU and among all citizens, farmers and non-farmers alike. The common agricultural policy (CAP) is a policy for all the citizens of the EU and the benefits that it provides to them must be clearly demonstrated.

The key issues and messaging should be fully consistent with the Commission's legal requirement to carry out information measures on the CAP within the meaning of Article 45 of Regulation (EU) No 1306/2013.

For the general public — the objective is to raise public awareness on the relevance of EU support to agriculture and rural development through the CAP.

For stakeholders — the objective is to engage with stakeholders (mainly farmers and other parties active in rural areas) in order to further communicate about the CAP to their constituencies, and to the wider public.

2.2. Themes

The proposals for information measures shall illustrate how the CAP should continue contributing towards the delivery of the Commission's political priorities.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ OJ L 193, 30.7.2018, p. 1.

The common agricultural policy is one of the EU's most important policies. It is a partnership between agriculture and society and between Europe and its farmers. It is a common policy for all the countries of the EU. The CAP has a number of aims such as supporting farmers and improving agricultural production, maintaining rural areas and landscapes, keeping the rural economy alive and helping tackle climate change and the sustainable management of natural resources.

Having regard to those aims and, particularly, the ever-increasing focus on the sustainability of production, the environment and rural areas, proposals for information measures should focus specifically on the economic, environmental and social dimensions of a sustainable common agricultural policy.

2.3. Target public

The target public for the themes under 2.2 is the general public (in particular young people in urban areas) and/or farmers and other parties active in rural areas. The focus of information on the CAP would put greater emphasis on addressing the (mis-) perceptions of European agriculture, the role of farming in society and the need for greater understanding of the enormous contribution the EU agri-food sector provides to the wider EU economy.

More specifically:

- For school children, teachers and university students: novel approaches should be used to engage with young people and raise their awareness of the CAP and the contribution that it makes in many areas such as the climate change challenge, food, healthy and high quality eating as a lifestyle choice, in relation also with the new EU School Scheme for Milk, Fruit and Vegetables which entered into force as from 1 August 2017 ⁽¹⁾.
- For stakeholders: it should be ensured that there is greater awareness of the contribution that the CAP makes to the support of sustainable growth of rural areas.

3. INDICATIVE TIMETABLE

	Stages	Date or indicative period
(a)	Publication of the call	October 2018
(b)	Deadline for submitting applications	14 December 2018
(c)	Evaluation period	February 2019
(d)	Information to applicants	April 2019
(e)	Signature of grant agreements	June 2019

Information measures shall not exceed the duration of 12 months.

4. BUDGET AVAILABLE

The total budget earmarked for the co-financing of information measures is estimated at EUR 4 000 000.

This amount is subject to the availability of the appropriations provided for in the draft budget for 2019 after the adoption of the budget for 2019 by the budgetary authority or provided for in the provisional twelfths.

The grant amount will be minimum EUR 75 000 and maximum EUR 500 000.

The Commission reserves the right not to distribute all the funds available.

5. ADMISSIBILITY REQUIREMENTS

- Applications must be sent no later than the deadline for submitting applications referred to in Section 3.
- Applications must be sent to the address for submitting applications referred to in Section 14.

⁽¹⁾ Regulation (EU) 2016/791 of the European Parliament and of the Council of 11 May 2016 amending Regulations (EU) No 1308/2013 and (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments (OJ L 135, 24.5.2016, p. 1).

- Applications must be submitted in writing (see Section 14), using the application form and annexes available at <http://ec.europa.eu/agriculture/grants-for-information-measures/>
- Proposals must be drafted in one of the official languages of the European Union. However, applicants are encouraged to submit their proposal in English to facilitate processing of the application.
- Applicants can submit only one application for this call for proposals.

Failure to comply with those requirements may lead to the rejection of the application.

6. ELIGIBILITY CRITERIA

6.1. Eligible applicants

The applicant (and its affiliated entities if any) shall be a legal entity established in an EU Member State.

Entities which do not have legal personality under the applicable national law may be eligible applicants, provided that their representatives have the capacity to undertake legal obligations on their behalf, and offer guarantees for the protection of the Union's financial interests equivalent to that offered by legal persons.

Supporting documents should be provided with the application form.

Natural persons, as well as entities established for the sole purpose of the implementation of an information measure within this call for proposals are not eligible applicants.

Examples of eligible organisations:

- non-profit organisations (private or public),
- public authorities (national, regional, local),
- European associations,
- universities,
- educational institutions,
- research centres,
- private companies (for instance communication media companies).

Affiliated entities

Legal entities having a legal or capital link with applicants, which is neither limited to the information measure nor established for the sole purpose of its implementation (e.g. members of networks, federations, trade unions), may take part in the information measure as affiliated entities, and may declare eligible costs as specified in Section 11.1.

The legal and capital link should be neither limited to the information measure nor established for the sole purpose of its implementation.

The legal and capital link defining the affiliation encompasses three notions:

- (i) Control, as defined in Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC ⁽¹⁾.

⁽¹⁾ OJ L 182, 29.6.2013, p. 19.

Entities affiliated to a beneficiary may hence be:

- Entities directly or indirectly controlled by the beneficiary (daughter companies or first-tier subsidiaries). They may also be entities controlled by an entity controlled by the beneficiary (granddaughter companies or second-tier subsidiaries) and the same applies to further tiers of control,
 - Entities directly or indirectly controlling the beneficiary (parent companies). Likewise, they may be entities controlling an entity controlling the beneficiary,
 - Entities under the same direct or indirect control as the beneficiary (sister companies).
- (ii) Membership, i.e. the beneficiary is legally defined as a, e.g. network, federation, association in which the proposed affiliated entities also participate or the beneficiary participates in the same entity (e.g. network, federation, association) as the proposed affiliated entities.
- (iii) The specific case of public bodies and publicly owned entities

Publicly owned entities and public bodies (entities established as such under national, European or international law) are not always considered as affiliated entities (for example, public universities or research centres).

The notion of affiliation in the public sphere covers:

- The different levels of the administrative structure in the case of decentralised administration (e.g. national, regional or local ministries (in the case of separate legal entities) can be considered as affiliated to the State.
- A public body established by a public authority to serve an administrative purpose and which is supervised by the public authority. This condition is to be verified on the basis of the statutes or other acts establishing the public body. It does not necessarily entail that the public body is financed, in full or in part, from the public budget (e.g. national schools affiliated to the State).

The following are not entities affiliated to a beneficiary:

- Entities that have entered into a (procurement) contract or subcontract with the beneficiary, act as concessionaires or delegates for public services for the beneficiary,
- Entities that receive financial support from the beneficiary,
- Entities that cooperate on a regular basis with the beneficiary on the basis of a memorandum of understanding or share some assets,
- Entities that have signed a consortium agreement under the grant agreement,
- Entities that have signed a cooperation agreement for twinning projects.

If affiliated entities take part in the information measure, the application shall:

- identify such affiliated entities in the application form,
- contain the written agreement of the affiliated entities,
- provide the supporting documents allowing verification of their complying with the eligibility and non-exclusion criteria.

In order to assess the applicants' eligibility, the following supporting documents are requested for the applicant and its affiliated entities:

- private entity: extract from the official journal, copy of articles of association, extract of trade or association register, certificate of liability to VAT (if, as in certain countries, the trade register number and VAT number are identical, only one of these documents is required);
- public entity: copy of the resolution, decision or other official document establishing the public-law entity;
- entities without legal personality: documents providing evidence that their representative(s) have the capacity to undertake legal obligations on their behalf.

For British applicants: Please be aware that eligibility criteria must be complied with for the *entire* duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article II.17 (Termination of the agreement by the Commission) of the Grant Agreement.

6.2. Eligible activities and implementation period under this call for proposals

A. The information measures should include one or several activities such as:

- Production and distribution of multimedia or audiovisual material,
- Web and social media campaigns,
- Media events,
- Conferences, seminars, workshops and studies on CAP-related issues.

B. The information measures should be implemented:

- at multiregional or national level of an EU Member State, or
- at European Union level (in at least two Member States).

C. The following activities are not eligible:

- measures required by law,
- general or statutory meetings,
- financial support to third parties.

D. Implementation period of the information measures

- The maximum duration of information measures is 12 months.

Application for projects scheduled to run for a longer period than that specified in this call for proposals will be rejected.

7. EXCLUSION CRITERIA

7.1. Exclusion

The authorising officer shall exclude an applicant from participating in call for proposals procedures where:

- (a) the applicant is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;
- (b) it has been established by a final judgment or a final administrative decision that the applicant is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the authorising officer is located or those of the country of the performance of the contract;
- (c) it has been established by a final judgment or a final administrative decision that the applicant is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the applicant belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 - (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract, a grant agreement or a grant decision;

- (ii) entering into agreement with other applicants with the aim of distorting competition;
 - (iii) violating intellectual property rights;
 - (iv) attempting to influence the decision-making process of the Commission during the award procedure;
 - (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;
- (d) it has been established by a final judgment that the applicant is guilty of any of the following:
- (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;
 - (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA ⁽¹⁾, as well as corruption as defined in the law of the country where the contracting authority is located, the country in which the applicant is established or the country of the performance of the contract;
 - (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA ⁽²⁾;
 - (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council ⁽³⁾;
 - (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA ⁽⁴⁾, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
 - (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council ⁽⁵⁾;
- (e) the applicant has shown significant deficiencies in complying with main obligations in the performance of a contract, a grant agreement or a grant decision financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an authorising officer, OLAF or the Court of Auditors;
- (f) it has been established by a final judgment or final administrative decision that the applicant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 ⁽⁶⁾;
- (g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
- (i) facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
 - (ii) non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
 - (iii) decisions of the ECB, the EIB, the European Investment Fund or international organisations;

⁽¹⁾ OJ L 192, 31.7.2003, p. 54.

⁽²⁾ OJ L 300, 11.11.2008, p. 42.

⁽³⁾ OJ L 309, 25.11.2005, p. 15.

⁽⁴⁾ OJ L 164, 22.6.2002, p. 3.

⁽⁵⁾ OJ L 101, 15.4.2011, p. 1.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 1.

- (iv) decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law.
- (v) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

7.2. Remedial measures

If an applicant declares one of the situations of exclusion listed above (see Section 7.1), it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to the declaration. This does not apply for situations referred in point (d) of Section 7.1.

7.3. Rejection from the call for proposals

The authorising officer shall not award a grant to an applicant who:

- a. is in an exclusion situation established in accordance with Section 7.1;
- b. has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information;
- c. was previously involved in the preparation of calls for proposal documents where this entails a distortion of competition that cannot be remedied otherwise.

The same exclusion criteria apply to affiliated entities.

Administrative and financial penalties may be imposed on applicants, or affiliated entities where applicable, who are guilty of misrepresentation.

7.4. Supporting documents

Applicants and affiliated entities must provide a declaration on their honour certifying that they are not in one of the situations referred to in Articles 136(1) and 141 of the Financial Regulation, by filling in the relevant form attached to the application form accompanying the call for proposals and available at: <http://ec.europa.eu/agriculture/grants-for-information-measures/>

This obligation may be fulfilled in one of the following ways:

- (i) the applicant signs a declaration in its name and on behalf of its affiliated entities; OR
- (ii) the applicant and its affiliated entities sign each a separate declaration in their own name.

8. SELECTION CRITERIA

8.1. Financial capacity

Applicants must have stable and sufficient sources of funding to maintain their activity throughout the duration of the grant and to participate in its funding. The applicants' financial capacity will be assessed on the basis of the following supporting documents to be submitted with the application:

— a declaration on their honour, and

EITHER

- the profit and loss account as well as the balance sheet for the last financial year for which the accounts were closed,
- for newly created entities: the business plan might replace the above documents,

OR

- the table provided for in the application form, filled in with the relevant statutory accounting figures, in order to calculate the ratios as detailed in the form.

On the basis of the documents submitted, if the RAO considers that financial capacity is weak, s/he may request further information;

If the RAO considered that the financial capacity is insufficient s/he will reject the application.

8.2. Operational capacity

Applicants must have the professional competencies as well as appropriate qualifications necessary to complete the proposed information measure. In this respect, applicants have to submit a declaration on their honour, and the following supporting documents.

- curriculum vitae or description of the profile of the people primarily responsible for managing and implementing the operation (accompanied where appropriate, like in the field of education, by a list of relevant publications). As regards in particular the manager of the information measure, s/he should have at least 5 years' experience in similar projects,
- the organisation's activity reports,
- a list of previous projects and activities performed and connected to the policy field of this call or to the information measures to be carried out (see Application Form 1: maximum 4 projects/activities).

9. AWARD CRITERIA

The communication tools and activities included in the information measure should be interconnected, clear in their conceptual approach and in the results to be achieved.

Activities under an information measure must achieve concrete outputs within the measure's duration.

The information measure must identify at application stage the relevant expected outputs (see Application Form 3).

A list of relevant indicators (qualitative/quantitative) to measure the expected outputs/impacts of the information measure must be included in the proposal (see Application Form 3).

Eligible applications will be assessed on the basis of the following criteria:

1. The relevance of the measure: the *ex ante* analysis of the needs and the specific, measurable, attainable and relevant objective and its innovative character. (25 points; minimum required 12,5 points)
2. The effectiveness of the measure: themes, messages and target public, detailed programme, timetable and *ex post* evaluation methodology. (25 points; minimum required 12,5 points)
3. The efficiency of the measure: the cost-effectiveness in terms of the proposed resources. (25 points; minimum required 12,5 points)
4. The quality of the project management: the quality of the procedures, the allocation of tasks in view of implementing the various activities of the proposed measure. (25 points; minimum required 12,5 points)

A maximum of 100 points will be awarded for the quality of the proposal. The required minimum overall score is 60 points and a minimum score of 50 % is required for each criterion.

10. LEGAL COMMITMENTS

In the event of a grant awarded by the Commission, a grant agreement, drawn up in euro and detailing the conditions and level of funding, will be sent to the applicant, as well as the information on the procedure to formalise the agreement of the parties.

The 2 copies of the original agreement must be signed first by the beneficiary and returned to the Commission immediately. The Commission will sign it last.

Please note that the award of a grant does not establish an entitlement for subsequent years.

11. FINANCIAL PROVISIONS

11.1. Eligible costs

Eligible costs shall meet all the following criteria:

- they are incurred by the beneficiary,
- they are incurred during the duration of the information measure, with the exception of costs relating to final reports and audit certificates; the period of eligibility of costs will start as specified in the grant agreement.

If a beneficiary can demonstrate the need to start the information measure before the agreement is signed, the costs eligibility period may start before that signature. Under no circumstances can the eligibility period start before the date of submission of the grant application.

- they are indicated in the estimated budget,
- they are necessary for the implementation of the information measure which is the subject of the grant,
- they are identifiable and verifiable, in particular being recorded in the accounting records of the beneficiary and determined according to the applicable accounting standards of the country where the beneficiary is established and according to the usual cost accounting practices of the beneficiary,
- they comply with the requirements of applicable tax and social legislation,
- they are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.

The beneficiary's internal accounting and auditing procedures must permit direct reconciliation of the costs and revenue declared in respect of the information measure with the corresponding accounting statements and supporting documents.

The same criteria apply to costs incurred by the affiliated entities.

Eligible costs may be direct or indirect.

11.1.1. Eligible direct costs

The eligible direct costs for the information measure are those which:

with due regard for the conditions of eligibility set out above, are identifiable as specific costs directly linked to the performance of the information measure and which can therefore be booked to it directly, such as:

- (a) the costs of personnel working under an employment contract with the beneficiary or an equivalent appointing act and assigned to the information measure, provided that these costs are in line with the beneficiary's usual policy on remuneration.

Those costs include actual salaries plus social security contributions and other statutory costs included in the remuneration. They may also comprise additional remunerations, including payments on the basis of supplementary contracts regardless of the nature of those contracts, provided that they are paid in a consistent manner whenever the same kind of work or expertise is required, independently from the source of funding used;

The costs of natural persons working under a contract with the beneficiary other than an employment contract or who are seconded to the beneficiary by a third party against payment may also be included under such personnel costs, provided that the following conditions are fulfilled:

- (i) the person works under conditions similar to those of an employee (in particular regarding the way the work is organised, the tasks that are performed and the premises where they are performed);
- (ii) the result of the work belongs to the beneficiary (unless exceptionally agreed otherwise); and

- (iii) the costs are not significantly different from the costs of staff performing similar tasks under an employment contract with the beneficiary;

The recommended methods for calculation of direct personnel costs are provided in Appendix.

- (b) costs of travel and related subsistence allowances, provided that these costs are in line with the beneficiary's usual practices on travel;
- (c) costs of renting room or equipment;
- (d) costs entailed by subcontracts, provided that specific conditions on subcontracting as laid down in the grant agreement are met;
- (e) costs arising directly from requirements imposed by the Agreement (dissemination of information, specific evaluation of the information measure, audits, translations, reproduction), including the costs of requested financial guarantees, provided that the corresponding services are purchased in accordance with the rules on implementation contracts laid down in the grant agreement;
- (f) duties, taxes and charges paid by the beneficiary, notably value added tax (VAT), provided that they are included in eligible direct costs, and unless specified otherwise in the grant agreement.

11.1.2. Eligible indirect costs (overheads)

Indirect costs are costs that are not directly linked to the information measure implementation and therefore cannot be attributed directly to it.

A flat-rate amount of 7 % of the total eligible direct costs of the information measure, is eligible as indirect costs, representing the beneficiary's general administrative costs which can be regarded as chargeable to the information measure.

Indirect costs may not include costs entered under another budget heading.

Applicants' attention is drawn to the fact that if they are receiving an operating grant financed by the EU or Euratom budget, they may not declare indirect costs for the period(s) covered by the operating grant, unless they can demonstrate that the operating grant does not cover any costs of the information measure.

In order to demonstrate this, in principle, the beneficiary should:

- a. use analytical cost accounting that allows to separate all costs (including overheads) attributable to the operating grant and the information measure grant. For that purpose the beneficiary should use reliable accounting codes and allocation keys ensuring that the allocation of the costs is done in a fair, objective and realistic way;
- b. record separately:
 - all costs incurred for the operating grants (i.e. personnel, general running costs and other operating costs linked to the part of its usual annual activities), and
 - all costs incurred for the information measure grants (including the actual indirect costs linked to the information measure).

If the operating grant covers the entire usual annual activity and budget of the beneficiary, the latter is not entitled to receive any indirect costs under the information measure grant.

11.2. Ineligible costs

- (a) return on capital and dividends paid by a beneficiary;
- (b) debt and debt service charges;
- (c) provisions for losses or debts;
- (d) interest owed;
- (e) doubtful debts;

- (f) exchange losses;
- (g) costs of transfers from the Commission charged by the bank of a beneficiary;
- (h) costs declared by the beneficiary under another information measure receiving a grant financed from the Union budget. Such grants include grants awarded by a Member State and financed from the Union budget and grants awarded by bodies other than the Commission for the purpose of implementing the Union budget. In particular, beneficiaries receiving an operating grant financed by the EU or Euratom budget cannot declare indirect costs for the period(s) covered by the operating grant, unless they can demonstrate that the operating grant does not cover any costs of the information measure;
- (i) contributions in kind from third parties;
- (j) excessive or reckless expenditure;
- (k) deductible VAT;
- (l) purchase of equipment.

11.3. Forms of the grant

11.3.1. Reimbursement of costs actually incurred

The grant will be defined by applying a maximum co-financing rate of 60 % to the eligible costs actually incurred and declared by the beneficiary and its affiliated entities.

11.3.2. Flat-rate

A flat rate of 7 % of the eligible direct costs to cover the indirect costs, representing the beneficiary's general administrative costs which can be regarded as chargeable to the information measure. The flat rate will be paid following acceptance of the costs on the basis of which it is calculated.

Conditions for compliance of the beneficiary's usual cost accounting practices:

The beneficiary must ensure that the cost accounting practices used for the purpose of declaring eligible costs are in compliance with the following conditions:

- (a) the cost accounting practices that are used must constitute the usual cost accounting practices of the beneficiary. The beneficiary must apply those practices in a consistent manner, based on objective criteria irrespective of the source of funding (EU financing or other);
- (b) the costs declared can be directly reconciled with the amounts recorded in its general accounts; and
- (c) the categories of costs used for the purpose of determining the costs declared do not include any ineligible costs or costs already covered by other forms of grant.

11.4. Balanced budget

The estimated budget of the information measure must be attached to the application form. It must have revenue and expenditure in balance.

The budget must be drawn up in euros.

Applicants for whom costs will not be incurred in euros should use the exchange rate published in the *Official Journal of the European Union* or on the Infor-euro website available at: http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm

The applicant must ensure that the resources which are necessary to carry out the information measure are not be entirely provided by the EU grant.

Co-financing of the information measure may take the form of:

- the beneficiary's own resources,

- income generated by the information measure,
- financial contributions from third parties.

Overall co-financing may also include in-kind contributions from third parties, i.e. non-financial resources made available free of charge by third parties to the beneficiary. The corresponding costs of third parties are not eligible under the grant, e.g. volunteer work, providing a meeting room for free, etc.

The value of the contribution in kind must not exceed:

- either the costs actually borne and duly supported by accounting documents,
- or, in the absence of such documents, the costs generally accepted on the market in question.

In-kind contributions shall be presented separately in the estimated budget to reflect the total resources allocated to the information measure. Their unit value is evaluated in the provisional budget and shall not be subject to subsequent changes.

In-kind contributions shall comply with national tax and social security rules.

11.5. Calculation of the final grant amount

The final amount of the grant is calculated by the Commission at the time of the final payment. The calculation involves the following steps:

Step 1 — Application of the reimbursement rate to the eligible costs and addition of the flat-rate contribution

The amount under step 1 is obtained by application of the reimbursement rate specified in Section 11.3.1 to the eligible costs accepted by the Commission and the addition of the flat rate contribution in accordance with Section 11.3.2.

Step 2 — Limit to the maximum amount of the grant

The total amount paid to the beneficiary by the Commission may in no circumstances exceed the maximum amount of the grant as indicated in the grant agreement. If the amount obtained following Step 1 is higher than this maximum amount, the final amount of the grant is limited to the latter.

Step 3 — Reduction due to the no-profit rule

'Profit' means the surplus of the amount obtained following Steps 1 and 2 plus the total receipts of the information measure, over the total eligible costs of the information measure.

The total eligible costs of the information measure are the consolidated total eligible costs approved by the Commission. The total receipts of the information measure are the consolidated total receipts established, generated or confirmed on the date on which the request for payment of the balance is drawn up by the beneficiary.

The following are considered receipts:

- (a) the revenue generated by the information measure;

If there is a profit, it will be deducted in proportion to the final rate of reimbursement of the actual eligible costs of the information measure approved by the Commission.

Step 4 — Reduction due to improper implementation or breach of other obligations

The Commission may reduce the maximum amount of the grant if the information measure has not been implemented properly (i.e. if it has not been implemented or has been implemented poorly, partially or late), or if another obligation under the Agreement has been breached.

The amount of the reduction will be proportionate to the degree to which the information measure has been implemented improperly or to the seriousness of the breach.

11.6. Reporting and payment arrangements

11.6.1. The beneficiary may request the payment provided that the conditions of the grant agreement are fulfilled (e.g. payment deadlines, ceilings, etc.). The payment request shall be accompanied by the documents provided below and detailed in the grant agreement:

Payment request	Accompanying documents
Payment of the balance The Commission will establish the amount of this payment on the basis of the calculation of the final grant amount (see Section 11.5 above).	(a) final technical report; (b) final financial statement;

11.7. Other financial conditions

(a) *Non-cumulative award and no double financing*

An information measure may only receive one grant from the EU budget.

In no circumstances shall the same costs be financed twice by the Union budget. To ensure this, applicants shall indicate in the grant application the sources and amounts of Union funding received or applied for the same information measure or part of the information measure or for its (the applicant's) functioning during the same financial year as well as any other funding received or applied for the same information measure.

(b) *Non-retroactivity*

No grant may be awarded retrospectively for information measures already completed.

A grant may be awarded for an information measure which has already begun only where the applicant can demonstrate in the grant application the need to start the information measure before the grant agreement is signed.

In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application.

(c) *Implementation contracts/subcontracting*

Where the implementation of the information measure requires the award of procurement contracts (implementation contracts), the beneficiary must award the contract to the bid offering best value for money or the lowest price (as appropriate), avoiding conflicts of interests.

In the event of implementation contracts exceeding EUR 60 000, the beneficiary must abide by the additional rules mentioned in the model grant agreement annexed to the call.

The beneficiary is expected to clearly document the tendering procedure and retain the documentation for the event of an audit.

Entities acting in their capacity of contracting authorities in the meaning of Directive 2014/24/EU of the European Parliament and of the Council ⁽¹⁾ or contracting entities in the meaning of Directive 2014/25/EU of the European Parliament and of the Council ⁽²⁾ must comply with the applicable national public procurement rules.

Beneficiaries may subcontract tasks forming part of the information measure. If they do so, they must ensure that, in addition to the above-mentioned conditions of best value for money and absence of conflicts of interests, the following conditions are also complied with:

(a) subcontracting does not cover core tasks of the information measure;

⁽¹⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁽²⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

- (b) recourse to subcontracting is justified because of the nature of the information measure and what is necessary for its implementation;
- (c) the estimated costs of the subcontracting are clearly identifiable in the estimated budget;
- (d) any recourse to subcontracting, if not provided for in description of the information measure, is communicated by the beneficiary and approved by the Commission. The Commission may grant approval:
 - (i) before any recourse to subcontracting, if the beneficiaries requests an amendment;
 - (ii) after recourse to subcontracting if the subcontracting:
 - is specifically justified in the final technical report, and
 - does not entail changes to the grant agreement which would call into question the decision awarding the grant or be contrary to the equal treatment of applicants;
- (e) the beneficiaries ensure that certain conditions applicable to beneficiaries, enumerated in the grant agreement (e.g. visibility, confidentiality, etc.), are also applicable to the subcontractors.
- (d) *Financial support to third parties*

The applications may not envisage provision of financial support to third parties.

12. PUBLICITY

12.1. By the beneficiaries

Beneficiaries must clearly acknowledge the European Union's contribution in all publications or in conjunction with activities for which the grant is used.

In this respect, beneficiaries are required to give prominence to the name and emblem of the European Commission on all their publications, posters, programmes and other products realised under the co-financed project.

To do this they must use the text, the emblem and the disclaimer available at <http://ec.europa.eu/agriculture/grants-for-information-measures/>

If this requirement is not fully complied with, the beneficiary's grant may be reduced in accordance with the provisions of the grant agreement.

12.2. By the Commission

With the exception of scholarships paid to natural persons and other direct support paid to natural persons in most need, all information relating to grants awarded in the course of a financial year shall be published on an internet site of the European Union institutions no later than the 30 June of the year following the financial year in which the grants were awarded.

The Commission will publish the following information:

- name of the beneficiary,
- address of the beneficiary when the latter is a legal person, region when the beneficiary is a natural person, as defined on NUTS 2 level if he/she is domiciled within EU or equivalent if domiciled outside EU,
- subject of the grant,
- amount awarded.

Upon a reasoned and duly substantiated request by the beneficiary, the publication shall be waived if such disclosure risks threatening the rights and freedoms of individuals concerned as protected by the Charter of Fundamental Rights of the European Union or harm the commercial interests of the beneficiaries.

13. PROCESSING OF PERSONAL DATA

The reply to any call for proposals involves the recording and processing of personal data (such as name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽¹⁾. Unless indicated otherwise, the questions and any personal data requested that are required to evaluate the application in accordance with the call for proposal will be processed solely for that purpose by the Directorate-General for Agriculture and Rural Development, Unit R5.

Personal data may be registered in the Early Detection and Exclusion System by the Commission, should the beneficiary be in one of the situations mentioned in Articles 136(1) and 141 of the Financial Regulation (for more information see the Privacy Statement on:

http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_edes_en.pdf).

14. PROCEDURE FOR THE SUBMISSION OF PROPOSALS

Proposals must be submitted by 14 December 2018.

No modification to the application is allowed once the deadline for submission has elapsed. However, if there is a need to clarify certain aspects or to correct clerical mistakes, the Commission may contact the applicant during the evaluation process.

The deadline for submission of questions is 4 December 2018.

Applicants will be informed in writing about the results of the selection process.

Submission on paper

Application forms are available at <http://ec.europa.eu/agriculture/grants-for-information-measures/>

Applications must be submitted in the correct form, duly completed and dated. They must be signed by the person authorised to enter into legally binding commitments on behalf of the applicant organisation.

Where applicable, all additional information considered necessary by the applicant can be included on separate sheets.

Applications must be sent to the following address:

European Commission Unit AGRI. B.1
Call for proposals 2018/C 395/03
To the attention of Head of Unit
L130 4/053
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

- by post, date as postmark,
- by courier service, date of receipt by the courier service,
- in person, date as receipt, at the following address:

Hand delivery/Express mail:

European Commission
Central Mail Service
Avenue du Bourget, n° 1/Bourgetlaan 1
1140 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 8, 12.1.2001, p. 1

The receipt must be obtained as proof of submission, signed and dated by the official in the Commission's central mail department who takes delivery. The department is open from 8:00 to 17:00 from Monday to Thursday, and from 8:00 to 16:00 on Fridays. It is closed on Saturdays, Sundays and Commission holidays.

Applications sent by fax or email will not be accepted.

In addition to the submission on paper, the applicant is requested to submit an electronic copy of the proposal and all its annexes on a CD-ROM or USB-stick in the same envelope as the paper version. The paper copy takes precedence. The admissibility of applications will be evaluated on the basis of submission on paper.

Contacts

Contact point for any questions: agri-grants@ec.europa.eu

The frequently asked questions and answers will be published in: <https://ec.europa.eu/agriculture/grants-for-information-measures/>

Annexes

— Application form including budget tables (with the checklist of documents to be provided), available at:

<http://ec.europa.eu/agriculture/grants-for-information-measures/>

— Model grant agreement including financial and technical report template, available at:

<http://ec.europa.eu/agriculture/grants-for-information-measures/>

— Legal entity form, available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

— Financial identification form, available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9077 — PSPIB/Brookfield/Quadreal/BREP Brazil/Brookfield Brazil Retail)

Candidate case for simplified procedure

(Text with EEA relevance)

(2018/C 395/04)

1. On 23 October 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:

- Public Sector Pension Investment Board ('PSPIB', Canada),
- Brookfield Asset Management Inc ('Brookfield', Canada),
- QuadReal Property Group Limited Partnership ('QuadReal', Canada), controlled by British Columbia Investment Management Corporation ('BCI', Canada),
- BREP Brazil Private Limited ('BREP', Singapore), controlled by GIC Realty Private Limited ('GIC Realty', Singapore),
- Brookfield Brazil Retail Fundo de Investimentos em Participações Multiestratégia ('Brookfield Brazil Retail Fund', Brazil).

PSPIB, Brookfield, QuadReal and BREP acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Brookfield Brazil Retail Fund, currently controlled by Brookfield.

The concentration is accomplished by way of contract.

2. The business activities of the undertakings concerned are:

- for PSPIB: pension investment manager with a diversified global portfolio including stocks, bonds and other fixed-income securities as well as investments in private equity, real estate, infrastructure, natural resources and private debt,
- for Brookfield: investment in real estate, infrastructure, renewable power and private equity,
- for QuadReal: real estate asset management and related services to the British Columbia Investment Management Corporation,
- for BREP: ownership of real estate assets held by GIC Realty on behalf of the government of Singapore,
- for Brookfield Brazil Retail Fund: indirectly owns and operates shopping centres in Brazil.

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.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ⁽¹⁾ 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.9077 — PSPIB/Brookfield/Quadreal/BREP Brazil/Brookfield Brazil Retail

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

E-mail: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 229-64301

Postal address:

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

⁽¹⁾ OJ C 366, 14.12.2013, p. 5.

Prior notification of a concentration
(Case M.9061 — GETEC Wärme & Effizienz/SW Hanau/Pionierwerk)
Candidate case for simplified procedure
(Text with EEA relevance)
(2018/C 395/05)

1. On 22 October 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:

- GETEC Wärme & Effizienz GmbH ('GETEC', Germany), belonging to the GETEC Group, ultimately controlled by EQT Fund Management S.à.r.l. (Luxembourg).
- Stadtwerke Hanau ('SW Hanau', Germany).
- PionierWerk Hanau GmbH ('JV', Germany), currently controlled by SW Hanau.

GETEC and SW Hanau acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the JV. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- GETEC is a company specialised in decentralised heat, power and cold contracting as well as energy services.
- SW Hanau is the municipal energy provider of the city of Hanau, providing the city with gas, water and electricity.
- The JV was established in June 2018 by SW Hanau and shall in the future provide a newly developed district in Hanau, the 'Pioneer-Park', with electricity, heat, telecommunication and e-mobility services, as well as smart home services in the buildings to be built. Moreover, the JV shall operate a block heat and power plant in that area, delivering electricity and heat to Pioneer-Park.

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.9061 — GETEC Wärme & Effizienz/SW Hanau/Pionierwerk

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

E-mail: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal 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.8907 — Aperam/VDM)****(Text with EEA relevance)**

(2018/C 395/06)

1. On 23 October 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:

- Aperam SA ('Aperam', Luxembourg), and
- VDM Metals Holding GmbH ('VDM', Germany).

Aperam acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole VDM. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are the following:

- Aperam is a global player in stainless, electrical and specialty steel, also active in the production and sale of nickel alloys and corrosion resistance materials.
- VDM is a global producer of high-performance materials consisting of nickel and nickel alloys, special stainless steels, zirconium and cobalt-based alloys.

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.

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.8907 — Aperam/VDM

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

Prior notification of a concentration
(Case M.9108 — PepsiCo/SodaStream International)
(Text with EEA relevance)
(2018/C 395/07)

1. On 24 October 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:

- PepsiCo Inc. ('PepsiCo', US),
- SodaStream International Ltd ('SodaStream International', Israel)

PepsiCo acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of SodaStream International.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for PepsiCo: production and distribution of bottled and canned carbonated and non-carbonated soft drinks for consumers, production and commercialization of a consumer solution for flavoured water, production and commercialization of industrial concentrates and syrups for use for hotels, restaurants and catering services, of snack and dairy products,
- for SodaStream International: manufacturing and commercialization of home carbonation systems that enable consumers to transform tap water into sparkling water and flavoured sparkling water, including home carbonation systems as well as carbonation bottles, CO₂ cylinders and cylinder refilling services, dilutable concentrates, syrups and flavours.

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.

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.9108 — PepsiCo/SodaStream International

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

E-mail: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal 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').

