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⁽¹⁾ Text with EEA relevance.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

5 February 2019

(2019/C 47/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1423	CAD	Canadian dollar	1,4996
JPY	Japanese yen	125,59	HKD	Hong Kong dollar	8,9623
DKK	Danish krone	7,4650	NZD	New Zealand dollar	1,6556
GBP	Pound sterling	0,87803	SGD	Singapore dollar	1,5445
SEK	Swedish krona	10,3998	KRW	South Korean won	1 276,75
CHF	Swiss franc	1,1436	ZAR	South African rand	15,2773
ISK	Iceland króna	137,00	CNY	Chinese yuan renminbi	7,6938
NOK	Norwegian krone	9,6783	HRK	Croatian kuna	7,4120
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 964,21
CZK	Czech koruna	25,697	MYR	Malaysian ringgit	4,6628
HUF	Hungarian forint	317,41	PHP	Philippine peso	59,743
PLN	Polish zloty	4,2872	RUB	Russian rouble	74,8209
RON	Romanian leu	4,7455	THB	Thai baht	35,725
TRY	Turkish lira	5,9444	BRL	Brazilian real	4,1942
AUD	Australian dollar	1,5771	MXN	Mexican peso	21,7407
			INR	Indian rupee	81,8395

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

Opinion of the Advisory Committee on restrictive practices and dominant positions given at its meeting on 10 December 2018 concerning a draft decision in Case AT.40428 Guess

Rapporteur: Italy

(2019/C 47/02)

1. The Advisory Committee agrees with the Commission's assessment that the conduct covered by the draft decision constitutes a single and continuous infringement of Article 101 TFEU.
 2. The Advisory Committee agrees with the Commission on the final amount of the fine, including its reduction based on paragraph 37 of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003.
 3. 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⁾**Case AT.40428 — Guess**

(2019/C 47/03)

- (1) The decision addressed to Guess?, Inc., Guess? Europe, BV and Guess Europe Sagl ('Guess') finds that Guess infringed Article 101 TFEU and Article 53 of the EEA Agreement through practices aimed at restricting authorised distributors in its selective distribution system (i) from using the Guess brand names and trademarks for the purposes of online search advertising; (ii) from selling online without first obtaining a specific authorisation from Guess which Guess had full discretion to either grant or refuse and where no quality criteria had been specified for deciding whether or not to grant an authorisation; (iii) from selling to end-users located outside the authorised distributors' allocated territory; (iv) from cross-selling among authorised wholesalers and retailers; (v) from determining resale prices independently.
- (2) By decision of 6 June 2017, the Commission initiated proceedings within the meaning of Article 2(1) of Regulation (EC) No 773/2004 ⁽²⁾ against Guess.
- (3) On [...], Guess submitted a formal offer to cooperate ('Settlement Submission'). The Settlement Submission contains:
 - an acknowledgement of Guess?, Inc.'s, Guess? Europe, BV's and Guess Europe Sagl's joint and several liability for the infringement described in the Settlement Submission, as regards its object, the main facts, the legal characterisation of the infringement and of the main facts, including Guess' role and the duration of Guess' participation in the infringement,
 - a statement that the Settlement Submission is conditional upon the imposition of a fine by the Commission which does not exceed the amount specified in the Settlement Submission,
 - the confirmation that Guess?, Inc., Guess? Europe, BV and Guess Europe Sagl have been sufficiently informed of the objections the Commission envisages raising against them and that they have been given sufficient opportunity to make their views known to the Commission,
 - the confirmation that Guess?, Inc., Guess? Europe, BV and Guess Europe Sagl do not envisage requesting further access to the file or requesting to be heard again in an oral hearing, unless the Commission does not reflect the Settlement Submission in the statement of objections (the 'SO') and the decision;
 - the agreement to receive the SO and the final decision in English.
- (4) On 12 November 2018, the Commission adopted the SO, to which Guess?, Inc., Guess? Europe, BV and Guess Europe Sagl jointly replied on 21 November 2018 by confirming that the SO reflected the content of the Settlement Submission, reiterating their commitment to follow the cooperation procedure and declaring that they did not wish to be heard again by the Commission.
- (5) The infringements found and the fines imposed in the decision correspond to those acknowledged and accepted in the Settlement Submission. The amount of the fines is reduced by 50 % on the ground that Guess has cooperated with the Commission beyond its legal obligation to do so by: (i) revealing a restriction of competition which was not known to the Commission until then; (ii) providing additional evidence representing significant added value compared with the evidence already in the Commission's possession, and strengthening the Commission's ability to prove the infringement as a result; (iii) acknowledging the infringement of Article 101 of the Treaty and Article 53 of the EEA Agreement arising from the conduct; and (iv) waiving certain procedural rights, resulting in administrative efficiencies.

⁽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) ('Decision 2011/695/EU').

⁽²⁾ 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).

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- (6) In accordance with Article 16 of Decision 2011/695/EU, I have examined whether the decision deals only with objections in respect of which Guess has been afforded the opportunity of making known its views. I conclude that it does.
- (7) Overall, I consider that the effective exercise of procedural rights has been respected in this case.

Brussels, 11 December 2018.

Wouter WILS

Summary of Commission Decision**of 17 December 2018****relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union
and Article 53 of the Agreement on the European Economic Area****(Case AT.40428 — Guess)***(notified under document C(2018) 8455)***(Only the English text is authentic)**

(2019/C 47/04)

On 17 December 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 Agreement on the European Economic Area. 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 is addressed to Guess?, Inc., Guess? Europe, B.V. and Guess Europe Sagl (collectively 'Guess'). Guess?, Inc. is a USA-based company, incorporated in Delaware and listed at the New York Stock Exchange. It designs, markets, distributes and licenses contemporary apparel and accessories. Guess?, Inc. indirectly owns Guess? Europe, B.V. (incorporated in the Netherlands in 1996). In turn, Guess? Europe, B.V. controls Guess Europe Sagl incorporated in Switzerland. Guess? Europe, B.V. is the 100 % parent company (directly or indirectly) of the Guess subsidiaries within the European Economic Area ('EEA').
- (2) The Decision relates to a single and continuous infringement of Article 101 of the Treaty on the Functioning of the European Union ('TFEU') and Article 53 of the Agreement on the European Economic Area ('EEA Agreement'). In violation of Article 101 TFEU and Article 53 EEA Agreement Guess implemented practices aimed at restricting intra-brand competition from authorised distributors in its selective distribution network.

2. CASE DESCRIPTION**2.1. Procedure**

- (3) The Commission's investigation started as a follow-up to the e-commerce sector inquiry ⁽²⁾.
- (4) The Decision concerns a series of vertical restraints applied by Guess vis-à-vis its authorised wholesalers and retailers in its selective distribution system in relation to a large part of its apparel and accessory products sold in the EEA.
- (5) On 6 June 2017, the Commission opened proceedings with a view to taking a decision under Chapter III of Council Regulation (EC) No 1/2003.
- (6) After the initiation of proceedings, Guess indicated its interest to cooperate with the Commission and submitted further evidence regarding the relevant conduct.
- (7) Subsequently, Guess submitted a formal offer to cooperate in view of the adoption of a decision pursuant to Article 7 and Article 23 of Council Regulation (EC) No 1/2003.
- (8) On 12 November 2018, the Commission adopted a Statement of Objections addressed to Guess. On 21 November 2018, Guess submitted its reply to the Statement of Objections.
- (9) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 10 December 2018.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ http://ec.europa.eu/competition/antitrust/sector_inquiries_e_commerce.html

(10) The Commission adopted the Decision on 17 December 2018.

2.2. Addressees and duration

(11) The following undertakings have infringed Article 101 TFEU and Article 53 EEA Agreement by directly participating, during the periods indicated below, in anti-competitive practices:

Undertaking	Duration
Guess?, Inc., Guess? Europe, B.V. and Guess Europe Sagl	1 January 2014 until 31 October 2017

2.3. Summary of the infringements

The restrictive provisions and practices implemented by Guess formed part of an overall company strategy that was aimed at diverting online sales of Guess products towards Guess's own web site and restricting intra-brand competition among authorised distributors. Guess restricted authorised distributors in its selective distribution system from doing the following:

- (a) using the Guess brand names and trademarks for the purposes of online search advertising;
- (b) selling online without first obtaining from Guess a specific authorisation which Guess had full discretion to either grant or refuse and where no quality criteria had been specified for deciding whether or not to grant an authorisation;
- (c) selling to end users located outside the authorised distributors' allocated territory;
- (d) cross-selling among authorised wholesalers and retailers;
- (e) determining their resale prices independently.

2.4. Remedies

(12) The Decision applies the 2006 Guidelines on Fines ⁽³⁾.

2.4.1. Basic amount of the fine

(13) In setting the fines, the Commission took into account the value of sales in the financial year 2017 (running from 31 January 2016 to 28 January 2017), which was the last full business year of Guess' participation in the infringement.

(14) The Commission took into account the fact that each of the different restrictions, by their very nature, restricts competition within the meaning of Article 101(1) TFEU and Article 53 EEA Agreement and that vertical agreements and concerted practices such as those at issue are, by their nature, often less damaging to competition than horizontal agreements. Taking into account these factors and in light of the specific circumstances of the case the proportion of the values of sales taken into account was set at 7 %.

(15) The Commission took into account the duration of the single and continuous infringement, as mentioned above.

2.4.2. Adjustments to the basic amount

(16) There are no aggravating or mitigating circumstances in this case.

2.4.3. Application of the 10 % turnover limit

(17) The calculated fine does not exceed 10 % of Guess' worldwide turnover.

2.4.4. Reduction of the fine in view of cooperation

(18) The Commission concluded that, in order to reflect that Guess has effectively cooperated with the Commission beyond its legal obligation to do so, the fine that would otherwise have been imposed should, pursuant to point 37 of the Guidelines on Fines, be reduced by 50 %.

⁽³⁾ OJ C 210, 1.9.2006, p. 2.

3. CONCLUSION

- (19) In light of the above, the final amount of the fine imposed on Guess pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003 for the single and continuous infringement amounts to EUR 39 821 000.
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EUROPEAN DATA PROTECTION SUPERVISOR

Summary of the Opinion of the European Data Protection Supervisor on the Commission Package on free and fair European elections

(The full text of this Opinion can be found in English, French and German on the EDPS website www.edps.europa.eu)

(2019/C 47/05)

The functioning of the Union is founded on representative democracy. Political communication is essential to the participation of citizens, political forces and candidates in democratic life and to the fundamental right to freedom of expression. These rights and freedoms are interdependent with the right to respect for private and family life, home and communications and the right the protection of personal data. Earlier this year, in his Opinion 3/2018 on online manipulation, the EDPS highlighted the risks to fundamental rights of concentrated markets.

In the context of the 2018 State of the Union speech, the Commission presented a security package focusing on free and fair European elections. This package is composed of a Communication, a Guidance document on the application of Union data protection law in the electoral context, a Recommendation and a proposal for a Regulation as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament. The EDPS recognises the reference made to the role of social media platforms and on how this initiative would be coherent with the Code of Practice on online disinformation. In light of the upcoming European Parliament elections in May next year, and the numerous other national elections scheduled for 2019, the EDPS also recognises the recommendations for the setting up of national election networks and a European coordination network. He takes this opportunity to show his availability to participate in this European network. It would complement EDPS action in this area, in particular the workshop which he organises in February next year. The EDPS also recognises the recommendation to Member States to perform a comprehensive assessment of risks associated with the elections to the European Parliament with a view to identifying potential cyber incidents that could affect the integrity of the electoral process and underlines the urgency of this matter.

In general, the EDPS considers that, for further clarity, a reference could have been included to the processing of personal data by the European Parliament, the Authority for European Political Parties and European Political Foundations and the Committee of independent persons, as being within the scope of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC⁽¹⁾ (previously, Regulation (EC) No 45/2001). In addition and more specifically, the EDPS makes several recommendations in relation to the proposed Regulation, among which clarifying the scope of the measures and the complementary aims of such sanctions, including EDPS decisions finding an infringement to Regulation (EU) 2018/1725 and a reference to the current data protection legal framework for cooperation between national data protection supervisory authorities and the EDPS as well as ensuring the confidentiality of the exchange of information in the context of the cooperation between data protection supervisory authorities and the Committee of independent persons.

1. Introduction and background

1. In the context of the 2018 State of the Union speech, the Commission presented on 12 September 2018 a security package focusing on Free and fair European elections. It is composed of a legislative proposal accompanied by 3 non-legislative measures:
 - a Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament (COM (2018) 636 final/2) (hereafter the 'proposed Regulation'),

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

- a Communication on Securing free and fair European elections (COM (2018) 637 final) (hereafter the ‘Communication’),
 - a Recommendation on election cooperation networks, online transparency and protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament (C (2018) 5949 final) (hereafter the ‘Recommendation’), and
 - a Guidance on the application of Union data protection law in the electoral context (COM (2018) 638 final) (hereafter the ‘Guidance’).
2. This package has been adopted with a view of securing fair and free elections to the European Parliament to be held in May 2019, taking into account the new challenges put forward by online communication and recent revelations such as the ‘Facebook/Cambridge Analytica’ case ⁽²⁾. It is presented together with a proposal for a Regulation of the European parliament and of the Council establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (COM(2018) 630 final) ⁽³⁾.
 3. It is complementary to the Commission Communication of 26 April 2018 ‘Tackling online disinformation: a European approach’ (COM/2018/236 final), which seeks to promote a more transparent, trustworthy and accountable online environment. One of its key deliverables, the self-regulatory Code of Practice on Disinformation, was published on 26 September 2018. The Commission has also published the opinion of the Sounding board of the Multi-stakeholder forum on the Code of Practice ⁽⁴⁾. The actions foreseen in this Communication, including this Code of Practice, complement the ongoing work of the EEAS. Following the European Council conclusions of 28 June 2018 ⁽⁵⁾, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy will present in cooperation with Member States a revised action plan to fight disinformation, by the end of the year ⁽⁶⁾.
 4. The proposed Regulation ‘aims to allow financial sanctions on European political parties or foundations that use infringements of data protection rules to deliberately influence or attempt to influence the outcome of elections to the European Parliament’ ⁽⁷⁾. In addition to financial penalties which could be imposed on European political parties or foundations, of 5 % of their annual budget ⁽⁸⁾, a new ground would ‘be added to the list of infringements which prevent a European political party or foundation to apply for funding from the general budget of the European Union in the year when the sanction was imposed’ ⁽⁹⁾. In its Recommendation, the Commission encourages national data protection supervisory authorities established under the General Data Protection Regulation (hereafter the ‘GDPR’) to inform immediately and proactively the Authority for European Political Parties and European Political Foundations (hereafter the ‘Authority’) ⁽¹⁰⁾ of their decisions finding an infringement of data protection rules, where the infringement is linked to political activities by a European political party or foundation ‘with a view to influencing elections to the European Parliament’ ⁽¹¹⁾. The Commission also recommends, for cases involving political parties or foundations at national and regional level, Member States to ‘apply appropriate sanctions’ ⁽¹²⁾.
 5. In addition, the Recommendation encourages the establishment of a national election network in each Member State as well as a European coordination network on the elections to European Parliament ⁽¹³⁾. The latter is

⁽²⁾ Communication, p. 2.

⁽³⁾ http://europa.eu/rapid/press-release_IP-18-5681_en.htm

⁽⁴⁾ The Code and its Annex as well as the opinion of the Sounding board are available at: <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>

⁽⁵⁾ Available at: <https://www.consilium.europa.eu/media/35936/28-euco-final-conclusions-en.pdf>

⁽⁶⁾ Communication, p. 10.

⁽⁷⁾ Explanatory memorandum to the proposed Regulation, p. 2.

⁽⁸⁾ See Article 27(4)(a) of Regulation (EC) No 1141/2014 and the Commission factsheet on free and fair European elections available at: https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-factsheet-free-fair-elections_en.pdf

⁽⁹⁾ Explanatory memorandum to the proposed Regulation, p. 6.

⁽¹⁰⁾ This Authority was established under Regulation (EC) No 1141/2014 (Article 6).

⁽¹¹⁾ Recommendation 6. Also, in its Communication, p. 7, the Commission ‘calls also upon Member States to promote, in compliance with the applicable national and Union law, the sharing of information by the national data protection authorities to the authorities in charge of monitoring elections and political parties’ activities and financing where it follows from their decisions, or where there are otherwise reasonable grounds to believe, that an infringement is linked to political activities by national political parties or foundations in the context of elections to the European Parliament’. Emphasis added.

⁽¹²⁾ Recommendation 11.

⁽¹³⁾ Recommendations 1 to 5 included.

a follow-up to the first exchange organised by the Commission between EU countries on electoral best practices in April 2018. It would be composed of national contact points and should meet in January and April 2019⁽¹⁴⁾. It is planned as a real time European alert process and as a forum for exchange of information. The national networks would, inter alia, aim at exchanging information on issues capable of affecting the European elections, between national authorities with competence for electoral matters and for cybersecurity as well as national data protection authorities and national audiovisual regulatory authorities or bodies. It is recommended that these national networks consult and cooperate with the relevant national law enforcement authorities in accordance with national law⁽¹⁵⁾ and that where appropriate, cooperation between national law enforcement authorities at European level may be facilitated by Europol. According to the Commission, '[t]his will enable them quickly to detect potential threats to the elections to the European Parliament and swiftly enforce existing rules, including available financial sanctions, such as reimbursement of the public contribution'⁽¹⁶⁾.

6. The Commission finally presents several recommendations⁽¹⁷⁾ to facilitate transparency in political advertising ahead of the elections to the European Parliament and encourages Member States to take appropriate measures in the area of cybersecurity of the European Parliament electoral process and to engage in awareness raising activities with third parties, including online platforms and information technology providers, for better transparency and trust building in the electoral process.
7. The Guidance highlights the existing Union data protection framework and its application in the electoral context. According to the Commission, since it is the first time that the GDPR will be applied in the European electoral context, it is important for all actors involved in election processes to understand clearly how best to apply these rules. The Commission underlines that the national data protection authorities 'have to make full use of their strengthened powers to address possible infringements'⁽¹⁸⁾.
8. On 18 October 2018, the European Council called for measures to 'protect the Union's democratic systems and combat disinformation, including in the context of the upcoming European elections, in full respect of fundamental rights. In this respect, the measures proposed by the Commission on election cooperation networks, online transparency, protection against cybersecurity incidents, unlawful data manipulation and fighting disinformation campaigns and tightening the rules on European political party funding deserve rapid examination and operational follow-up by the competent authorities'⁽¹⁹⁾.
9. On 25 October 2018, the European Parliament adopted a resolution recalling 'the measures proposed by the Commission for securing free and fair European elections, in particular the legislative amendment to tighten up the rules on European political party funding, creating the possibility to impose financial sanctions for breaching data protection rules in order to deliberately influence the outcome of the European elections' and that 'the processing of personal data by political parties in the EU is subject to the GDPR, and that the breach of the principles, rights and obligations encompassed within this law would result in additional fines and sanctions'. The resolution considers that 'election interference to be a huge risk for democracy, the tackling of which requires a joint effort involving service providers, regulators and political actors and parties' and welcomes this Commission package⁽²⁰⁾. On 3 December 2018, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament adopted its opinion on the proposed Regulation⁽²¹⁾. On 6 December 2018, the Committee on Constitutional Affairs adopted its report on the proposed Regulation⁽²²⁾.

⁽¹⁴⁾ Communication, p. 7 and the Commission factsheet on free and fair European elections available at: https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-factsheet-free-fair-elections_en.pdf

⁽¹⁵⁾ Communication, footnote 20: '[t]his would concern in particular cases where an election process is targeted with malicious intent, including incidents based on attacks against information systems. Depending on the circumstances, criminal investigations that may result in criminal penalties may be appropriate. As noted above, definitions of offences and minimum maximum levels of penalties for attacks against information system have been harmonised by Directive 2013/40/EU'.

⁽¹⁶⁾ Communication, p. 7.

⁽¹⁷⁾ Recommendations 7 to 10 included and 12 to 19 included.

⁽¹⁸⁾ Communication, p. 8, point 3 'Applying Data protection rules in the electoral process'.

⁽¹⁹⁾ Conclusions available at: <https://www.consilium.europa.eu/media/36775/18-euco-final-conclusions-en.pdf>

⁽²⁰⁾ See points 10 to 12 of the Resolution on the use of Facebook users' data by Cambridge Analytica and the impact on data protection P8_TA-PROV(2018)0433 (2018/2855(RSP)), available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2018-0433+0+DOC+PDF+V0//EN>, emphasis added.

⁽²¹⁾ Available at:

<http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&reference=PE-630.530&format=PDF&language=EN&secondRef=02>

⁽²²⁾ Available at:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2018-0435+0+DOC+PDF+V0//EN>

10. The European Data Protection Supervisor (hereafter the 'EDPS') welcomes the informal consultation by the Commission on the proposed Regulation, the Recommendation and the Guidance prior to their adoption and the fact that part of his informal comments were taken into account. He underlines however that due to the short notice, these were preliminary comments. Therefore, he makes the following formal comments. In this regard, he would like to recall that, when it adopts a legislative proposal relating to the protection of individuals' rights and freedoms with regard to the processing of personal data, as it is the case here, the Commission shall consult the EDPS.

3. Conclusion

36. The EDPS recognises political communication as essential to the participation of citizens, political forces and candidates in democratic life and to the fundamental right to freedom of expression, and that these rights and freedoms are interdependent with the right under Article 7 of the Charter to respect for private and family life, home and communications, and the right under Article 8 of the Charter to the protection of personal data.
37. He recognises the reference made, in particular in the Communication and the Guidance, to the role of social media platforms and on how this initiative would be coherent with the Code of Practice on online disinformation.
38. In light of the upcoming European Parliament elections in May next year, and the numerous other national elections scheduled for 2019, the EDPS also recognises the recommendations for the setting up of national election networks and a European coordination network. He takes this opportunity to show his availability to participate in this European network. It would complement EDPS action in this area, in particular the workshop which he organises in February next year.
39. The EDPS also recognises the recommendation to Member States to perform a comprehensive assessment of risks associated with the elections to the European Parliament with a view to identifying potential cyber incidents that could affect the integrity of the electoral process and underlines the urgency of this matter.
40. In general, the EDPS considers that, for further clarity, a reference could have been included to the processing of personal data by the European Parliament, the Authority and the Committee, as being within the scope of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (previously, Regulation (EC) No 45/2001).
41. In addition and more specifically, the EDPS makes several recommendations in relation to the proposed Regulation, among which:
- clarifying the scope of the measures and the complementary aims of such sanctions,
 - including EDPS decisions finding an infringement to Regulation (EU) 2018/1725,
 - including a reference to the current data protection legal framework for cooperation between national data protection supervisory authorities and the EDPS, and
 - ensuring the confidentiality of the exchange of information in the context of the cooperation between data protection supervisory authorities and the Committee of independent persons.

Brussels, 18 December 2018.

Giovanni BUTTARELLI
European Data Protection Supervisor

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case M.9219 — Blackstone/Sretaw/Beauparc)
Candidate case for simplified procedure
(Text with EEA relevance)
(2019/C 47/06)

1. On 25 January 2019, 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:

- The Blackstone Group L.P. ('Blackstone', USA),
- Sretaw 2 Limited ('Sretaw', Ireland),
- Beauparc Utilities Holdings Limited ('Beauparc', Ireland).

Blackstone and Sretaw acquire, within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation, joint control over Beauparc.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Blackstone is a global alternative asset manager headquartered in the US,
- Sretaw currently owns 100 % of Beauparc,
- Beauparc operates primarily in the waste recycling and utilities sectors in Ireland, the United Kingdom and the Netherlands.

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.9219 — Blackstone/Sretaw/Beauparc

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

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

CORRIGENDA

Corrigendum to the Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006)

(Official Journal of the European Union C 30 of 24 January 2019)

(2019/C 47/07)

On page 4, in the first column 'Reference of the decision':

for: 'C(2019)54',

read: 'C(2019) 53'.

Corrigendum to the Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006)

(Official Journal of the European Union C 30 of 24 January 2019)

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