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⁽⁶⁾ Text with EEA relevance.

II

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

EUROPEAN COMMISSION

Non-opposition to a notified concentration
(Case M.8988 — Energizer/Spectrum Brands)**(Text with EEA relevance)**

(2020/C 23/01)

On 18 December 2018, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) in conjunction with Article 6(2) of Council Regulation (EC) No. 139/2004 ⁽¹⁾. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32018M8988. EUR-Lex is the online access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.9670 — APMC Group/GSEZ Cargo Ports/GSEZ Mineral Port/TIPSP/Arise)****(Text with EEA relevance)**

(2020/C 23/02)

On 17 January 2020, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 ⁽¹⁾. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32020M9670. EUR-Lex is the online access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.9531 — Assicurazioni Generali/Seguradoras Unidas/AdvanceCare)****(Text with EEA relevance)**

(2020/C 23/03)

On 20 November 2019, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 ⁽¹⁾. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32019M9531. EUR-Lex is the on-line access to European law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

22 January 2020

(2020/C 23/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1088	CAD	Canadian dollar	1,4465
JPY	Japanese yen	121,93	HKD	Hong Kong dollar	8,6170
DKK	Danish krone	7,4729	NZD	New Zealand dollar	1,6782
GBP	Pound sterling	0,84445	SGD	Singapore dollar	1,4954
SEK	Swedish krona	10,5528	KRW	South Korean won	1 290,57
CHF	Swiss franc	1,0757	ZAR	South African rand	15,9750
ISK	Iceland króna	137,80	CNY	Chinese yuan renminbi	7,6530
NOK	Norwegian krone	9,9590	HRK	Croatian kuna	7,4375
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 137,71
CZK	Czech koruna	25,136	MYR	Malaysian ringgit	4,5078
HUF	Hungarian forint	335,61	PHP	Philippine peso	56,499
PLN	Polish zloty	4,2378	RUB	Russian rouble	68,6934
RON	Romanian leu	4,7784	THB	Thai baht	33,685
TRY	Turkish lira	6,5673	BRL	Brazilian real	4,6486
AUD	Australian dollar	1,6184	MXN	Mexican peso	20,7417
			INR	Indian rupee	78,8665

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

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

State aid — Decision to raise no objections

(2020/C 23/05)

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

Date of adoption of the decision	20 November 2019
Case No	84333
Decision No	079/19/COL
EFTA State	Norway
Region	All
Title (and/or name of the beneficiary)	Amendments and a prolongation of the employee share options tax scheme
Legal basis	Norwegian Tax Act Section 5-14
Type of measure	Aid scheme
Objective	Aid to small and micro-enterprises
Form of aid	Tax exemption
Budget	NOK 570 million annually (total budget of scheme as amended)
Duration	2020-2029
Name and address of the granting authority	Ministry of Finance P.O Box 8008 Dep N-0030 Oslo NORWAY

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: <http://www.eftasurv.int/state-aid/state-aid-register/decisions/>

**NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA
EFTA SURVEILLANCE AUTHORITY**

No State aid within the meaning of Article 61(1) of the EEA Agreement

(2020/C 23/06)

The EFTA Surveillance Authority considers that the following measure does not constitute State aid within the meaning of Article 61(1) of the EEA Agreement:

Date of adoption of the decision	18 November 2019
Case No	84261
Decision No	078/19/COL
EFTA State	Norway
Title (and/or name of the beneficiary)	FriDA
Form of aid	No aid

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: <http://www.eftasurv.int/state-aid/state-aid-register/decisions/>

V

(Announcements)

COURT PROCEEDINGS

EFTA COURT

Action brought on 26 November 2019 by Abelia and WTW AS against the EFTA Surveillance Authority

(Case E-9/19)

(2020/C 23/07)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 26 November 2019 by Abelia and WTW AS, represented by Espen Bakken, advocate, Arntzen de Besche Advokatfirma AS, P.O. Box 2734, Solli, 0204 Oslo, Norway.

The Applicants request the EFTA Court to:

1. Annul Decision No 57/19/COL, of 10 July 2019, of the EFTA Surveillance Authority.
2. Order the EFTA Surveillance Authority to pay the costs of the proceedings.

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

- Abelia is a trade and employers association within Norway's largest employers' organisation; the NHO (Confederation of Norwegian Business and Industry).
- WTW AS is a software developer, and a member company of the trade organisation Abelia, offering innovative technical solutions to customers within a range of business segments. WTW is also present within the e-health sector and operates in direct competition with the public e-health solutions considered by the EFTA Surveillance Authority (hereinafter 'the Authority') in the Contested Decision.
- The Contested Decision concerns the notified financing of a public corporation tasked with the provision of a national eHealth solution.
- The Norwegian Government did not view the publicly financed interconnected eHealth activities as State aid because it did not amount to 'economic activities' within the meaning of Article 61(1) of the EEA Agreement, but provided a Notification for Legal Certainty dated 3 May 2019.
- The Authority adopted the Contested Decision on 10 July 2019 based on Article 4(2) of the Surveillance and Court Agreement, concluding that Norsk Helsenett SF and the Norwegian Directorate of eHealth do not constitute 'undertakings' in the provision of the eHealth solutions in accordance with the current organisation of the Norwegian health sector.
- In the Contested Decision, the Authority also found that the notified measures did not confer an economic advantage to Norsk Helsenett SF within the meaning of Article 61(1) of the EEA Agreement.
- The Applicants challenge the fact that the Authority adopted the Contested Decision in relation to the aid without initiating the formal investigation procedure, thereby infringing the Applicants' procedural rights.
- Thus, the Applicants submit that the EFTA Court should annul the Contested Decision.

Request for an Advisory Opinion from the EFTA Court by the Princely Court of Appeal dated 13 August 2019 in criminal proceedings against H and I

(Case E-6/19)

(2020/C 23/08)

A request has been made to the EFTA Court dated 13 August 2019 from the Princely Court of Appeal (Fürstliches Obergericht), which was received at the Court Registry on 20 August 2019, for an Advisory Opinion in criminal proceedings against H and I on the following questions:

1. In relation to Article 13(1)(m) of Regulation (EC) No 561/2006:
 - (a) Does this provision also apply to 'empty journeys' by the specialised vehicles transporting money and/or valuables mentioned therein, in other words, to journeys by those vehicles for the purpose of collecting money or valuables and to return journeys after the delivery of money or valuables?
 - (b) Does this provision also apply to vehicles escorting specialised vehicles transporting money and/or valuables?
2. Is it necessary or proportionate, by reason of Article 19(1) of Regulation (EC) No 561/2006, for a Member State to impose penalties for infringements of this Regulation where the journeys at issue were effected by specialised vehicles transporting money or valuables on the territory of other Member States and those Member States have exercised the exception provided for in Article 13(1)(m) of this Regulation such that under the relevant national law of the Member States concerned no infringements exist?
3. Must Article 6(5) of Regulation (EC) No 561/2006 be interpreted as meaning that even where a Member State has exercised the exception provided for in Article 13(1)(m) of this Regulation, any time spent as described in Article 4(e) of this Regulation and time spent driving vehicles (in each case in relation to journeys involving specialised vehicles transporting money and/or valuables) must be recorded as 'other work' in accordance with Article 6(5) of the Regulation mentioned?

If the answer to the question is in the affirmative, must Article 6(5) of Regulation (EC) No 561/2006 be applied also where the relevant Member State has exempted the vehicles concerned in accordance with Article 3(2) of Regulation (EEC) No 3821/85 (now Article 3(2) of Regulation (EU) No 165/2014)?

Request for an Advisory Opinion from the EFTA Court by the Public Procurement Complaints Committee dated 17 September 2019 in the case of Tak – Malbik ehf. v the Icelandic Road and Coastal Administration and Þróttur ehf.

(Case E-7/19)

(2020/C 23/09)

A request has been made to the EFTA Court dated 17 September 2019 from the Public Procurement Complaints Committee (kærunefnd útboðsmála), which was received at the Court Registry on 23 September 2019, for an Advisory Opinion in the case of Tak – Malbik ehf. v the Icelandic Road and Coastal Administration and Þróttur ehf. on the following question:

Is a contract to be pursued following an invitation to tender, in which tenderers undertake to process and stockpile certain raw materials provided by the contracting authority, and in accordance with the contracting authority's requirements, considered a works contract within the meaning of Directive 2014/24/EU, cf. in particular paragraphs 6 and 7 of Article 2, or a service contract within the meaning of the Directive, cf. in particular Article 2(9)?

Request for an Advisory Opinion from the EFTA Court by the Complaints Board for Public Procurement dated 18 October 2019 in the case of Scanteam AS v the Norwegian Government

(Case E-8/19)

(2020/C 23/10)

A request has been made to the EFTA Court dated 18 October 2019 from the Complaints Board for Public Procurement (Klagenemnda for offentlige anskaffelser), which was received at the Court Registry on 18 October 2019, for an Advisory Opinion in the case of Scanteam AS v the Norwegian Government, on the following question:

Is Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement applicable to procurement procedures undertaken by a foreign mission of an EFTA State in a third country (outside the EEA)?

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9691 – Mahindra & Mahindra/Ford Motor Company/Ardour)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 23/11)

1. On 14 January 2020, 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:

- Mahindra and Mahindra Limited (India),
- Ford Motor Company (United States),
- Ardour Automotive Private Limited (India).

The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Mahindra and Mahindra Limited: M&M is the parent company of the Mahindra Group which is active in various sectors including, amongst others, automotive and automotive aftermarket,
- for Ford Motor Company: FMC is the parent company of the Ford Group which designs, manufactures, markets and services a full line of Ford cars, trucks, SUVs, electrified vehicles and Lincoln luxury vehicles, provides financial services through Ford Motor Credit Company and is also active in electrification, autonomous vehicles and mobility solutions,
- for Ardour Automotive Private Limited: The JV will design, engineer, test, manufacture, market, sell, distribute and export passenger vehicles as well as replacement and service parts and components and assemblies for such vehicles.

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

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under 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.9691 – Mahindra & Mahindra/Ford Motor Company/Ardour

⁽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:

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

Prior notification of a concentration
(Case M.9699 – Mitsubishi Corporation/Eneco Groep)
Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 23/12)

1. On 16 January 2020, 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:

- Mitsubishi Corporation ('MC', Japan),
- Eneco Groep N.V. ('Eneco', the Netherlands).

MC acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Eneco.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- MC is a global integrated trading company which develops and operates businesses across a variety of industries. MC (through its subsidiaries) is active in the development, construction and operation of windfarms, generation and wholesale supply of electricity and in trading of electricity in the EEA,
- Eneco is active in the production and storage of electricity from (sustainable) resources, including wind, solar, water and bio-energy, the supply of electricity and gas to private and business customers, and provision of ancillary services.

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.9699 – Mitsubishi Corporation/Eneco Groep

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').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Prior notification of a concentration**(Case M.9559 – Telefónica/Prosegur/Prosegur Alarmas España)****(Text with EEA relevance)**

(2020/C 23/13)

1. On 15 January 2020, 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:

- Telefónica S.A. ('Telefónica', Spain),
- Prosegur Compañía de Seguridad, S.A. ('PCS', Spain)
- Prosegur Alarmas España, S.L.U. ('Prosegur Alarmas', Spain), currently solely controlled by PCS.

Telefónica and PCS acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of Prosegur Alarmas.

The concentration is accomplished by way of purchase of shares.

The same concentration was already notified to the Commission on 27 November 2019, but the notification was subsequently withdrawn on 20 December 2019.

2. The business activities of the undertakings concerned are:

- for Telefónica: a global telecommunications operator and mobile network provider, operating under a number of brands, including Movistar, O2 and Vivo. Telefónica is a 100 % publicly owned company listed on the Madrid, New York, Lima and Buenos Aires Stock Exchanges,
- for PCS: provides security services to companies, homes and businesses. PCS's operations are divided in three business lines, namely alarms, security, and cash,
- for Prosegur Alarmas: active in the provision of alarms installation services and connection to reception centres in Spain.

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.9559 – Telefónica/Prosegur/Prosegur Alarmas España

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

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