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(1) Text with EEA relevance.
## PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

**European Commission**

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<thead>
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<th>Reference</th>
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\(^1\) 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.10036 — Tata Consultancy Services Netherlands/Postbank Systems)

(Text with EEA relevance)

(2020/C 427/01)

On 4 December 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,


Non-opposition to a notified concentration
(Case M.10033 — Platinum Compass/OTPP/EDPL)

(Text with EEA relevance)

(2020/C 427/02)

On 4 December 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,


Non-opposition to a notified concentration
(Case M.9560 — Gränges/Impexmetal)

(Text with EEA relevance)

(2020/C 427/03)

On 23 September 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,


IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Council conclusions on the cybersecurity of connected devices

(2020/C 427/04)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:
— the Council conclusions on the Joint Communication to the European Parliament and the Council: Resilience, Deterrence and Defence: Building strong cybersecurity for the EU,
— the Council conclusions on cybersecurity capacity and capabilities building in the EU,
— the Council conclusions on the significance of 5G to the European Economy and the need to mitigate security risks linked to 5G,
— the Council conclusions on the future of a highly digitised Europe beyond 2020: ‘Boosting digital and economic competitiveness across the Union and digital cohesion’,
— the Council conclusions on shaping Europe's Digital Future,
— the European Council conclusions on COVID-19, the Single Market, industrial policy, digital and external relations,
— the Communication of the European Commission on shaping Europe's Digital Future,

1. HIGHLIGHTS that the European Union and its Member States need to ensure their digital sovereignty and strategic autonomy, while preserving an open economy. This includes reinforcing the ability to make autonomous technological choices and as one of the main pillars, resilient and secure infrastructures, products and services for building trust in the Digital Single Market and within the European society. The European Union's core values preserve in particular privacy, security, equality, human dignity, rule of law and open Internet as prerequisites for reaching a digital-driven human-centric society, economy and industry.

2. RECOGNISES the growing importance of connected devices and their security, including machines, sensors and networks that make up the Internet of Things (IoT). Connected devices will play a key role in further shaping Europe's digital future, from an industrial and business point of view, as well as in the daily life of consumers of a new generation of technology. In addition to 5G, artificial intelligence, quantum computing, high performance computing, cloud computing, distributed ledger technologies namely blockchain and any other new applications and opportunities for a sustainable economic growth and a higher level of digitalisation of our society can only be reached through cyber-secure connected devices.

3. NOTES that the increased usage of consumer products and industrial devices connected to the internet will also raise new risks for privacy, information- and cybersecurity, including increasingly potential impacts on the integrity and availability of products and data, which can directly affect safety. It is essential to minimise such risks in order to protect consumers, to strengthen Europe's overall cyber resilience and to enhance the trust of citizens in digital solutions and technologies. This will also foster the competitiveness and innovation capabilities of European
providers of such devices. Cybersecurity and privacy should be acknowledged as essential requirements in product innovation, the production and development processes, including the design phase (security by design), and should be ensured throughout a product’s entire life cycle and across its supply chain.

4. EMPHASISES that in addition to ensuring a high level of security of connected devices, it is equally important to increase consumer awareness of their potential privacy and security risks. This would help to minimise threats stemming from increased usage of connected devices, enhance trust in the Digital Single Market and make most of economic and societal benefits that technologies of connected devices offer.

5. UNDERLINES that public investments in research and innovation, notably through Horizon Europe and Digital Europe, as well as private investments could create valuable incentives to make connected devices safer and more secure, and therefore smart communication networks more resilient. Investments in the necessary digital infrastructure and technology to deploy the latest technologies of connected devices should also be accelerated to achieve industrial and digital leadership, and to ensure strategic autonomy, while preserving an open economy.

6. STRESSES the need to ensure a high level of complementarity and comparability of security functionalities of ICT systems and ICT components, which are used in many different sectors of the Digital Single Market.

7. ACKNOWLEDGES the current developments at Union level to raise the level of cybersecurity of connected devices, particularly with regard to recent initiatives of the Commission to address in short-term cybersecurity aspects in relevant legal acts, for example acts under the New Legislative Framework (NLF), particularly Directive 2014/53/EU (Radio Equipment Directive). UNDERLINES the importance of assessing the need for horizontal legislation, also specifying the necessary conditions for the placement on the market, in the long-term to address all relevant aspects of cybersecurity of connected devices, such as availability, integrity and confidentiality. WELCOMES in this regard a discussion to explore the scope of such a legislation and its links with the cybersecurity certification framework as defined under the Cybersecurity Act (CSA), with the aim of raising the level of security within the Digital Single market.

8. STRESSES that cybersecurity requirements should be defined in line with the relevant Union legislation, including the CSA, the NLF, the Regulation on European Standardisation and a possible future horizontal legislation, to avoid ambiguity and fragmentation in legislation.

9. ACKNOWLEDGES the important role of all stakeholders, in particular of the manufacturers, to raise the level of cybersecurity of connected devices in the Digital Single Market, therefore CALLS for coordination and close cooperation with all relevant public and private stakeholders, also in view of a possible future horizontal legislation.

9a. WELCOMES the ongoing work led by ENISA to draft the first EU cybersecurity certification schemes, namely the proposed European Union Common Criteria and the proposed Cloud Service schemes. These schemes will be relevant foundations to certify connected devices.

10. EMPHASISES that any additional certification scheme for connected devices and related services that would be laid down in the Union Rolling Work Programme and defined under the CSA should specify how the applicable security requirements at the relevant assurance level should be met on the basis of specific European and internationally recognised standards, regardless of the sector in which the product is to be used, and which test specifications, certificates etc. are to be applied.

11. ACKNOWLEDGES that the certification of connected devices would require relevant norms, standards or technical specifications for cybersecurity evaluations under the CSA. Therefore, EMPHASISES the need to establish cybersecurity norms, standards or technical specifications for connected devices and RECOMMENDS strengthening efforts undertaken by European Standards Organisations in this matter. At the same time, NOTES the ETSI EN 303 645 cybersecurity standard for consumer IoT devices as an important step in this direction.
12. INVITES the Commission to consider a request for candidate cybersecurity certification schemes for connected devices and related services based on the Union Rolling Work Programme currently being developed taking utmost account of the horizontal European cybersecurity certification schemes currently being developed. On a voluntary basis such a scheme will enable the manufacturers of such products to promote products with the assessed assurance level.

13. INVITES a discussion on how the goal of cybersecurity could be anchored in a future horizontal legislation that covers cybersecurity risks related to connected devices, and at the same time NOTES the need to consider the adaptation of essential requirements of the respective NLF Directives, where appropriate.

14. ENCOURAGES the Commission to also assess, where necessary, complementary sector-specific regulations that should define which level of cybersecurity should be met by the connected device to ensure that specific security and privacy requirements are put in place for such devices with higher security risks.

15. STRESSES the need to improve the quality of life and well-being of the European citizens and foster the trust in the Digital Single Market. The security and privacy of our societies are essential to preserve our core values of the Union. Thus, STRESSES the need to build upon the framework provided by the CSA to harmonise security requirements, according to different assurance levels, across all sectors of the NLF in order to avoid fragmentation and multiple checks of identical requirements and offers a level playing field across the European Union for competition and innovation.

16. INVITES the Commission, the EU Agency for Cybersecurity (ENISA), the Telecommunication Conformity Assessment and Market Surveillance Committee, and the European Cybersecurity Certification Group (ECCG) to actively participate in this initiative of strengthening the Digital Single Market and enhancing the trust in ICT products, services and processes for connected devices by ensuring privacy and cybersecurity and to facilitate the increased global competitiveness of the Union’s IoT industry through ensuring the highest standards of resilience, safety and security.

17. HIGHLIGHTS in this context the need to support SMEs as an essential building block of the European cybersecurity ecosystem, and ENCOURAGES the SMEs to take part in all public consultations launched as well as in standardisation activities to take into account their valuable and important contribution in the way of making cybersecurity a reachable target as well as a competitive advantage on the European market.

18. NOTES that the obligation to ensure cybersecurity and privacy throughout a product's entire life cycle and across its supply chain could have a positive impact on the technology sector's environmental footprint by leading manufacturers towards smart and sustainable development and production processes and thereby decreasing the amount of electronic waste related to the disposal of connected devices.
## Euro exchange rates

**9 December 2020**

(2020/C 427/05)

1 euro =

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<th>Currency</th>
<th>Exchange rate</th>
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<td>USD US dollar</td>
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<td>CAD Canadian dollar</td>
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</tr>
<tr>
<td>JPY Japanese yen</td>
<td>126.05</td>
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<td>GBP Pound sterling</td>
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<td>SGD Singapore dollar</td>
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<tr>
<td>SEK Swedish krona</td>
<td>10.2745</td>
<td>KRW South Korean won</td>
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<tr>
<td>CHF Swiss franc</td>
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<td>ZAR South African rand</td>
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<tr>
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<td>CNY Chinese yuan renminbi</td>
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<td>HRK Croatian kuna</td>
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<td>MYR Malaysian ringgit</td>
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<td>HUF Hungarian forint</td>
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<td>PLN Polish zloty</td>
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<td>BRL Brazilian real</td>
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<tr>
<td>AUD Australian dollar</td>
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<tr>
<td></td>
<td></td>
<td>INR Indian rupee</td>
<td>89.2120</td>
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</table>

(*) Source: reference exchange rate published by the ECB.
NOTICES FROM MEMBER STATES

National procedure for allocating limited traffic rights in Poland

(2020/C 427/06)

Pursuant to Article 6 of Regulation (EC) No 847/2004 of the European Parliament and of the Council of 29 April 2004 on the negotiation and implementation of air service agreements between Member States and third countries (1), the Commission will publish the national procedure applied by Poland for allocating traffic rights which are limited by virtue of air service agreements concluded with third countries between eligible Union carriers.

REGULATION OF THE MINISTER FOR INFRASTRUCTURE (2)

of 28 September 2020

on the competitive procedure for the allocation of limited traffic rights (3)

The following provisions are laid down under Article 191(23) of the Aviation Act of 3 July 2002 (Journal of Laws 2019, items 1580 and 1495; 2020, items 284 and 1378):

§ 1. This Regulation lays down the competitive procedure for the allocation of limited traffic rights which comprises:

1) the information to be published concerning the receipt of an application for authorisation ('application') and the form in which it is to be published;
2) details of how the competitive procedure is conducted;
3) the additional information to be included in the completed application and the documents to be attached to that application with a view to conducting the competitive procedure.

§ 2. 1. The President of the Civil Aviation Authority shall publish a notice without delay in the Public Information Bulletin of the Civil Aviation Authority indicating that an application has been received.

2. This notice shall comprise:

1) details of the limited traffic rights covered by the competitive procedure;
2) information to the effect that other air carriers may submit applications;
3) the address and deadlines for submitting applications;
4) the elements of the application and the additional information referred to in Section 3(1).
5) a list of documents to be attached to the application referred to in Section 3(2).
6) the criteria for allocation of limited traffic rights.

§ 3. 1. In addition to the information referred to in Article 192(3) of the Aviation Act of 3 July 2002 (the Act), an application shall indicate the following:

1) the name of the applicant air carrier and the address of its registered office;
2) the planned starting date for the air services and the planned operating period;
3) the nature of the air services (year-round or seasonal; direct or connecting);
4) expected flight times on the routes or in the areas covered by the application;

(2) The Minister for Infrastructure heads the Government department responsible for transport pursuant to Section 1(2)(2) of the Cabinet Regulation of 18 November 2019 specifying the remit of the Minister for Infrastructure (Journal of Laws, item 2257).
5) the maximum passenger seating capacity (in the case of passenger transport) or load capacity (in the case of carriage of freight or mail) of the aircraft to be used to operate the air services covered by the application;

6) the number of aircraft entered on the Air Operator Certificate of the applicant air carrier that will be available to operate the air services covered by the application;

7) the number of aircraft leased by the applicant air carrier under a route contract using leased aircraft with crew that will be available for purpose of providing the air services covered by the application, if applicable;

8) the availability of information in Polish on board the aircraft used for the air services covered by the application;

9) the anticipated amount of the air service charge in fares offered on the routes or in the areas covered by the application, on a one-way basis, in PLN;

10) the services provided for each of the fares referred to in subparagraph 9 and the additional paid services, plus the amount charged for each of those additional services;

11) the method used to sell passenger seats (in the case of passenger transport) or the capacity of the aircraft (in the case of carriage of freight or mail), including whether persons purchasing the air services covered by the application can be served in Polish;

12) the amount and nature of funds already invested to develop scheduled or non-scheduled air services to the country concerned, if any;

13) the number of passengers carried and the number of weekly services operated on the routes or in the areas covered by the application during the scheduling season preceding the one in which the application was submitted, if such services were already operated by the air carrier.

2. In addition to the documents referred to in Articles 192(4) and 192a(3) of the Act attached by non-Polish air carriers, the following shall be attached:

1) a copy of the Air Operator Certificate and the associated Operations Specifications issued to the applicant air carrier by the competent aviation authority of the state in which it is registered;

2) a copy of the route contract concluded with another air carrier for the use of leased aircraft with crew and a copy of the Air Operator Certificate and the associated Operations Specifications of the air carrier leasing the aircraft covered by the contract if the operation of air services on the basis of such a contract is planned;

3) up-to-date internal management accounts drawn up no later than three months before the date on which the application is submitted and, where available, the accounts for the previous financial year together with an audit report if an obligation to audit these accounts is enshrined in accounting rules or other specific provisions relating to accounts;

4) confirmation of payment of the aviation fee referred to in Article 26a(1)(4) of the Act.

§ 4. The air carrier which submitted the application before the publication of information that an application has been received shall complete its application with the information and documents referred to in Section 3 within 30 days of the date of publication of the information.

§ 5. 1. Applications by air carriers for authorisation submitted after the deadline referred to in Article 191(18) of the Act shall be deemed ineligible; the President of the Civil Aviation Authority shall notify air carriers whose applications have been submitted after the deadline of that fact in writing.

2. There is no right of appeal against the decision referred to in paragraph 1.

3. The deadline for submitting applications may not be rescheduled if an applicant fails to meet it.

4. Paragraphs 1-3 shall apply mutatis mutandis to application amendments submitted after the deadline referred to in Article 191(18) of the Act.
5. 30 days after the date of publication of the information referred to in Section 2, if an application is deemed to present formal shortcomings, the President of the Civil Aviation Authority shall request the air carrier to remedy these within a specified period which shall not be less than 7 days from the date of receipt of the request, failing which the application will not be examined.

§ 6. The information referred to in Section 3 which the applicant has deemed to constitute a trade secret within the meaning of Article 11(2) of the Unfair Competition Act of 16 April 1993 (Journal of Laws 2019, items 1010 and 1649) shall not be made available to the other participants in the competitive procedure.

§ 7. 1. In the competitive procedure, applications for authorisation shall be assessed by a panel appointed by the President of the Civil Aviation Authority from members of the Authority's staff.

2. The panel shall be appointed for an indefinite period.

3. The panel shall:

1) establish the points scale for each criterion referred to in Article 191(17) of the Act and determine the scoring system for individual criteria and their percentage weighting;

2) analyse whether applications comply with the formal requirements;

3) indicate applications which do not comply with the formal requirements and identify their shortcomings;

4) scrutinise and evaluate applications which comply with the formal requirements with reference to the criteria for allocating limited traffic rights;

5) compile a list of the air carriers participating in the competitive procedure, indicating the points awarded and justifying the scores;

6) prepare a recommendation to the President of the Civil Aviation Authority on the outcome of the competitive procedure.

4. Recommendations to the President of the Civil Aviation Authority on the outcome of the competitive procedure shall indicate:

1) the selected air carriers with the highest ratings, in order, until the available traffic rights have all been allocated, if limited traffic rights apply in view of the number of air carriers;

2) the selected air carriers with the highest ratings, in order, with the number of services corresponding to the result of this assessment, not exceeding the number of services applied for and until the available traffic rights have all been allocated, if limited traffic rights apply in view of the number of services.

5. The President of the Civil Aviation Authority shall nominate the chair of the panel from among the members of the panel. The chair shall:

1) set the dates of the panel's meetings and inform the members of the panel thereof;

2) call the panel's meetings;

3) chair the panel's meetings;

4) submit a recommendation to the President of the Civil Aviation Authority on the outcome of the competitive procedure.

6. The chair of the panel shall appoint the secretary of the panel from among the members of the panel. The secretary shall:

1) keep competitive procedure documentation;

2) draw up the minutes of the panel's meetings;

3) organise the panel's meetings in cooperation with the chair of the panel;

4) draft documents prepared by the panel in accordance with the instructions of the chair of the panel.

7. In the absence of the chair of the panel, his or her duties shall be carried out either by the secretary or by a member appointed by the chair.
8. Experts and representatives of administrative bodies, organisations or other institutions which are responsible for matters relating to the panel's work may attend the panel’s meetings in an advisory capacity.

9. The panel’s meetings may be organised using IT equipment.

10. The minutes of the panel’s meetings shall be signed by the chair or his/her replacement in accordance with paragraph 7 once they have been approved by the persons attending the meeting.

11. The panel shall allocate points to air carriers taking part in the competitive procedure by an absolute majority.

12. The panel shall decide on matters other than the allocation of points to air carriers participating in the competitive procedure by a simple majority.

§ 8. Where, following the launch of the competitive procedure, only one air carrier applies for an authorisation for limited traffic rights or, following an analysis of whether applications comply with the formal requirements, only one carrier has submitted an application which complies with the formal requirements, the President of the Civil Aviation Authority shall issue an authorisation without carrying out an assessment within the meaning of Section 7(3)(4)-(6) and (4).

§ 9. 1. The provisions of this Regulation shall apply to competitive procedures launched but not completed before the date of entry into force of this Regulation.

2. The information and documents referred to in Section 3 of this Regulation shall be submitted by way of a supplement to the information and documents submitted in the competitive procedures referred to in paragraph 1 no later than 30 days following the entry into force of this Regulation, failing which the application shall be deemed ineligible.

§ 10. This Regulation shall enter into force on the day following its publication. (*)

Minister for Infrastructure:
A. ADAMCZYK

(*) This Regulation was preceded by the Regulation of the Minister for Transport, Construction and Maritime Economy of 27 December 2012 on the competitive procedure determining the detailed conditions for the allocation of limited traffic rights (Journal of Laws 2018, item 2343) which, pursuant to Article 18 of the Act of 14 December 2018 amending the Aviation Act and certain other acts (Journal of Laws 2019, item 235), is repealed on 1 October 2020.
Prior notification of a concentration  
(Case M.10068 — Brookfield/Mansa/Polenergia)  
Candidate case for simplified procedure  
(Text with EEA relevance)

1. On 3 December 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:

— Brookfield Asset Management Inc. (‘Brookfield’, Canada),
— Mansa Investments Sp. z o.o. (‘Mansa’), indirectly controlled by Ms Dominika Kulczyk (both of Poland),
— Polenergia S.A. (‘Polenergia’), indirectly controlled by Ms Dominika Kulczyk (both of Poland).

Brookfield and Mansa acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control of parts of Polenergia.

The concentration is accomplished by way of purchase of securities.

2. The business activities of the undertakings concerned are:

— for Brookfield: global asset management focusing on property, renewable power, infrastructure and private equity,
— for Mansa: a holding company for Ms Dominika Kulczyk (a natural person) controlling Polenergia S.A.,
— for Polenergia: production and sale of energy and related activities in a number of European countries including Poland and Germany.

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:

\(^1\) OJ L 24, 29.1.2004, p. 1 (the ‘Merger Regulation’).
M.10068 — Brookfield/Mansa/Polenergia
Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu
Fax +32 22964301
Postal address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIE
Prior notification of a concentration
(Case M.10041 — PAI/Addo/ComplEat)
Candidate case for simplified procedure

(Text with EEA relevance)
(2020/C 427/08)

1. On 3 December 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:
— PAI Partners SAS, (‘PAI’, France),
— Addo Food Group (Holdings) Ltd, (‘Addo’, UK),
— ComplEat Food Group Limited (‘ComplEat’, UK), controlled by Helsinki Topco Limited (‘Helsinki Topco’, UK).

PAI acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Addo and ComplEat.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:
— PAI: management and/or advisory activities for a number of funds owning companies active in a variety of business sectors, such as business services, food and consumer goods, general industries, healthcare, and retail and distribution,
— Addo: manufacture and supply of food products, focusing on chilled savoury pastry products,
— ComplEat: manufacture and supply of food products, focusing on processed meat, olives and antipasti.

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.

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M.10041 — PAI/Addo/ComplEat

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

\(^{1}\) OJ L 24, 29.1.2004, p. 1 (the ‘Merger Regulation’).
Fax +32 22964301

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