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⁽¹⁾ Text with EEA relevance.

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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⁾

13 June 2019

(2019/C 199/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1289	CAD	Canadian dollar	1,5021
JPY	Japanese yen	122,44	HKD	Hong Kong dollar	8,8375
DKK	Danish krone	7,4678	NZD	New Zealand dollar	1,7201
GBP	Pound sterling	0,88948	SGD	Singapore dollar	1,5423
SEK	Swedish krona	10,6968	KRW	South Korean won	1 335,74
CHF	Swiss franc	1,1207	ZAR	South African rand	16,7876
ISK	Iceland króna	141,50	CNY	Chinese yuan renminbi	7,8144
NOK	Norwegian krone	9,7720	HRK	Croatian kuna	7,4128
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 135,37
CZK	Czech koruna	25,581	MYR	Malaysian ringgit	4,7068
HUF	Hungarian forint	322,00	PHP	Philippine peso	58,556
PLN	Polish zloty	4,2574	RUB	Russian rouble	72,9275
RON	Romanian leu	4,7221	THB	Thai baht	35,250
TRY	Turkish lira	6,6343	BRL	Brazilian real	4,3429
AUD	Australian dollar	1,6336	MXN	Mexican peso	21,6384
			INR	Indian rupee	78,4745

⁽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 1 March 2019 regarding a preliminary draft decision relating to Case AT.40481 — Occupants Safety Systems (II) supplied to the Volkswagen Group and the BMW Group

Rapporteur: Portugal

(Text with EEA relevance)

(2019/C 199/02)

1. The Advisory Committee agrees with the Commission that the anticompetitive behaviour covered by the draft decision constitutes an agreement and/or concerted practices between undertakings within the meaning of Article 101 of the TFEU and Article 53 EEA.
 2. The Advisory Committee agrees with the Commission's assessment of the product and geographic scope of the agreement and/or concerted practices contained in the draft decision.
 3. The Advisory Committee agrees with the Commission that the undertakings concerned by the draft decision participated in the two single and continuous infringements of Article 101 of the TFEU and Article 53 of the EEA Agreement, as spelled out in the draft decision.
 4. The Advisory Committee agrees with the Commission that the object of the two agreements and/or concerted practices was to restrict competition within the meaning of Article 101 of the TFEU and Article 53 of the EEA Agreement.
 5. The Advisory Committee agrees with the Commission that the two agreements and/or concerted practices were capable of appreciably affecting trade between the Member States of the EU.
 6. The Advisory Committee agrees with the Commission's assessment as regards the duration of the two infringements.
 7. The Advisory Committee agrees with the Commission's draft decision as regards the addressees in respect of each of the two infringements.
 8. The Advisory Committee agrees with the Commission that a fine should be imposed on the addressees of the draft decision for each of the two infringements in which they were involved.
 9. The Advisory Committee agrees with the Commission on the application of the 2006 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation (EC) No 1/2003.
 10. The Advisory Committee agrees with the Commission on the basic amounts of the fines.
 11. The Advisory Committee agrees with the determination of the duration for the purpose of calculating the fines.
 12. The Advisory Committee agrees with the Commission that there are no aggravating and no mitigating circumstances applicable in this case.
 13. The Advisory Committee agrees with the Commission as regards the application of point 37 of the 2006 Guidelines on Fines.
 14. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2006 Leniency Notice.
 15. The Advisory Committee agrees with the Commission as regards the reduction of the fines based on the 2008 Settlement Notice.
 16. The Advisory Committee agrees with the Commission on the final amounts of the fines.
 17. The Advisory Committee recommends the publication of its Opinion in the *Official Journal of the European Union*.
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Final Report of the Hearing Officer ⁽¹⁾
Occupants Safety Systems (II) supplied to the Volkswagen Group and the BMW Group
(AT.40481)
(Text with EEA relevance)
(2019/C 199/03)

On 7 July 2017, the Commission initiated proceedings pursuant to Article 11(6) of Council Regulation (EC) No 1/2003 ⁽²⁾ and Article 2(1) of Regulation (EC) No 773/2004 ⁽³⁾ against Autoliv ⁽⁴⁾, Takata ⁽⁵⁾ and TRW ⁽⁶⁾ (collectively 'the parties').

Following settlement discussions ⁽⁷⁾ and settlement submissions ⁽⁸⁾ in accordance with Article 10a(2) of Regulation (EC) No 773/2004, the Commission notified a Statement of Objections ('SO') on 10 January 2019. According to the SO, the parties participated in two single and continuous infringements of Article 101 of the TFEU and Article 53 of the EEA Agreement in respect of their supplies of occupants safety products for certain passenger cars to companies belonging to the Volkswagen Group and the BMW Group.

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

The Commission's draft decision finds that the parties infringed Article 101 of the TFEU and Article 53 of the EEA Agreement by participating in two single and continuous infringements consisting of exchanging certain commercially sensitive information and in some instances price coordination concerning the sale of certain types of occupants safety systems (namely seatbelts, airbags and/or steering wheels) for passenger cars in the period between January 2007 and March 2011 to the Volkswagen Group and the BMW Group.

Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making known their views. I conclude that it does so.

In view of the above, and taking into account that the parties have not addressed any requests or complaints to me ⁽⁹⁾, I consider that the effective exercise of the procedural rights of the parties to the proceedings in this case has been respected.

Brussels, 1 March 2019.

Joos STRAGIER

⁽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).

⁽²⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

⁽³⁾ 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).

⁽⁴⁾ Autoliv, Inc. and Autoliv B.V. & Co. KG.

⁽⁵⁾ TKJP Corporation (formerly Takata Corporation) and TB Deu Abwicklungs-Aktiengesellschaft i.L. (formerly Takata Aktiengesellschaft).

⁽⁶⁾ ZF TRW Automotive Holdings Corp. (formerly TRW Automotive Holdings Corp.), TRW Automotive Safety Systems GmbH and TRW Automotive GmbH.

⁽⁷⁾ The settlement meetings took place between November 2017 and November 2018.

⁽⁸⁾ The parties submitted their formal requests to settle on [...].

⁽⁹⁾ Under Article 15(2) of Decision 2011/695/EU, parties to the proceedings in cartel cases which engage in settlement discussions pursuant to Article 10a of Regulation (EC) No 773/2004, may call upon the hearing officer at any stage during the settlement procedure in order to ensure the effective exercise of their procedural rights. See also paragraph 18 of Commission Notice 2008/C 167/01 on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of Council Regulation (EC) No 1/2003 in cartel cases (OJ C 167, 2.7.2008, p. 1).

Summary of Commission Decision**of 5 March 2019****relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement****(Case AT.40481 — Occupants Safety Systems (II) supplied to the Volkswagen Group and the BMW Group)***(notified under document number C(2019)1656 final)***(Only the English text is authentic)****(Text with EEA relevance)**

(2019/C 199/04)

On 5 March 2019, the Commission adopted a decision relating to proceedings under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed, having regard to the legitimate interest of undertakings in the protection of their business secrets.

1. INTRODUCTION

- (1) On 5 March 2019, the Commission adopted a Decision relating to two single and continuous infringements of Article 101 of the Treaty and Article 53 of the EEA Agreement. The infringements consisted of exchanging commercially sensitive information but, in some instances, also extended to more concrete forms of coordination, in respect of supplies of certain occupants safety systems products for certain passenger cars to companies belonging to the Volkswagen and Porsche Group ('VW Group') and to the BMW and Mini Group ('BMW Group').
- (2) The products concerned by these infringements are passive safety systems such as seatbelts, airbags and steering wheels. These are key devices designed to increase the protection of occupants of a vehicle in case of collision.
- (3) This Decision is addressed to Autoliv⁽²⁾, Takata⁽³⁾ and TRW⁽⁴⁾ (the 'parties').

2. CASE DESCRIPTION**2.1. Procedure**

- (4) Following an immunity application submitted by Takata, in March 2011, under the terms of the 2006 Leniency Notice⁽⁵⁾ in relation to collusive contacts related to the supplies of OSS to the VW Group and the BMW Group, the Commission carried out in June 2011 unannounced inspections under Article 20(4) of Regulation (EC) No 1/2003 at the premises of Autoliv and TRW in Germany. On 10 June 2011, TRW submitted a leniency application. On 4 July 2011, Autoliv submitted a leniency application.
- (5) On 7 July 2017, the Commission initiated proceedings pursuant to Article 11(6) of Regulation (EC) No 1/2003 against the parties with a view to engaging in settlement discussions with them. Settlement meetings and contacts between the Commission and each party took place between November 2017 and November 2018. Subsequently, all parties submitted their formal request to settle pursuant to Article 10(2) of Regulation (EC) No 773/2004⁽⁶⁾.
- (6) On 10 January 2019, the Commission adopted a statement of objections addressed to the parties. All of the parties replied to the statement of objections by confirming that it reflected the contents of their settlement submissions and that they remained committed to following the settlement procedure.
- (7) The Advisory Committee on Restrictive Practices and Dominant Positions issued a favourable opinion on 1 March 2019.
- (8) The Commission adopted this Decision on 5 March 2019.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

⁽²⁾ The relevant legal entities are Autoliv, Inc. and Autoliv B.V. & Co. KG.

⁽³⁾ The relevant legal entities are TKJP Corporation (formerly Takata Corporation) and TB Deu Abwicklungs-Aktiengesellschaft i.L. (formerly Takata Aktiengesellschaft).

⁽⁴⁾ The relevant legal entities are ZF TRW Automotive Holdings Corp. (formerly TRW Automotive Holdings Corp.), TRW Automotive Safety Systems GmbH and TRW Automotive GmbH.

⁽⁵⁾ OJ C 298, 8.12.2006, p. 17.

⁽⁶⁾ OJ L 123, 27.4.2004, p. 18.

2.2. Summary of the infringements

- (9) The two separate infringements concerned the supply of certain occupant safety systems components to the VW Group and the BMW Group.

2.2.1. Infringement I: supply of certain OSS to the VW Group

- (10) The infringement consisted of bilateral, and in some cases trilateral, contacts between Autoliv, Takata and TRW. The parties colluded by exchanging certain commercially sensitive information and, in some instances, coordinating or attempting to coordinate on responses to certain requests for quotation (RFQs), responses to the VW Group's periodical requests for price reviews and cost reductions, certain development costs or other pricing elements, and/or prices for materials and compensation for raw material price increases. The contacts took place via email exchanges, face-to-face meetings or phone conversations.

2.2.2. Infringement II: supply of certain OSS to the BMW Group

- (11) The infringement consisted of bilateral, and in some cases trilateral, contacts between Autoliv, Takata and TRW. The parties colluded by exchanging certain commercially sensitive information and, in some instances, by coordinating or attempting to coordinate on pricing information, including in the context of certain RFQs, the BMW Group's periodical requests for price reviews and cost reductions, and/or prices for materials and compensation for raw material price increases. The contacts took place via email exchanges, face-to-face meetings or phone conversations.

2.2.3. Duration

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

Infringement	Undertaking	Start	End
I	AUTOLIV	04/01/2007	30/03/2011
	TAKATA	04/01/2007	30/03/2011
	TRW	04/01/2007	28/03/2011
II	AUTOLIV	28/02/2008	16/09/2010
	TAKATA	28/02/2008	17/02/2011
	TRW	05/06/2008	17/02/2011

2.3. Addressees

2.3.1. Autoliv

- (13) Liability for Infringements I and II is imputed jointly and severally to Autoliv B.V. & Co. KG, for its direct involvement, and Autoliv, Inc. as parent company.

2.3.2. Takata

- (14) Liability for Infringements I and II is imputed jointly and severally to TB Deu Abwicklungs-Aktiengesellschaft i.L. (formerly Takata Aktiengesellschaft) for its direct involvement, and TKJP Corporation (formerly Takata Corporation) as parent company.

2.3.3. TRW

- (15) Liability for Infringements I and II is imputed jointly and severally to TRW Automotive Safety Systems GmbH and TRW Automotive GmbH for their direct involvement and ZF TRW Automotive Holdings Corp. (formerly TRW Automotive Holdings Corp.) as parent company.

2.4. Remedies

- (16) The Decision applies the 2006 Guidelines on Fines ⁽⁷⁾.

2.4.1. Basic amount of the fine

- (17) In Infringement I, the value of sales is calculated on the basis of the yearly average of sales of seatbelts, airbags and steering wheels to the VW Group in the EEA during the infringement period.

⁽⁷⁾ OJ C 210, 1.9.2006, p. 2.

- (18) In Infringement II, the value of sales is calculated on the basis of the yearly average of sales of seatbelts, airbags and steering wheels to the BMW Group in the EEA during the infringement period.
- (19) Considering the nature of the infringements and their geographic scope, the percentage for the variable amount of the fines as well as the additional amount ('entry fee') is set at 16 % of the value of sales for each infringement.
- (20) The variable amount is multiplied by the number of years or by fractions of the year respectively of the parties' individual participation in the infringements in order to take fully into account the actual duration of the participation for each party in the infringements individually. The duration multiplier is calculated on the basis of calendar days.

2.4.2. *Adjustments to the basic amount*

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

2.4.3. *Application of the 10 % turnover limit*

- (22) None of the fines calculated exceeds 10 % of the respective party's worldwide turnover in 2017.

2.4.4. *Application of the 2006 Leniency Notice: reduction of fines*

- (23) Takata was the first to submit information and evidence meeting the conditions of point 8(a) of the 2006 Leniency Notice in Infringements I and II. Takata is thus granted immunity from fines for Infringements I and II.
- (24) TRW was the first undertaking to meet the requirements of points 24 and 25 of the 2006 Leniency Notice as regards Infringements I and II. TRW is therefore granted a reduction of 50 % of the fine for Infringements I and II.
- (25) Autoliv was the second undertaking to meet the requirements of points 24 and 25 of the 2006 Leniency Notice as regards Infringements I and II. Autoliv is therefore granted a reduction of 30 % of the fine for Infringements I and II.
- (26) Autoliv was the first party to submit compelling evidence in the sense of point 25 of the 2006 Leniency Notice that enabled the Commission to extend the duration of Infringement I. In accordance with point 26 of the 2006 Leniency Notice, the mentioned duration is not taken into account when setting the fine for Autoliv for Infringement I.

2.4.5. *Application of the Settlement Notice*

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

2.4.6. *Application of the point 37 of the Guidelines on Fines*

- (28) The fact that the Commission decided to separate its investigations of the OSS-related infringements into two separate proceedings⁽⁸⁾, led to a total period of investigation which was longer than what it would have been had there been no separation of the investigation. The Commission considers that separation to be an exceptional factor which justifies a reduction of the fine to be imposed on each of the addressees.
- (29) Consequently, the amount of the fines after leniency and settlement reductions imposed on each party was further reduced by 5 %.

3. **CONCLUSION**

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

For Infringement I:

- (a) on TKJP Corporation (formerly Takata Corporation) and TB Deu Abwicklungs-Aktiengesellschaft i.L. (formerly Takata Aktiengesellschaft), jointly and severally: EUR 0;
- (b) on Autoliv, Inc. and Autoliv B.V. & Co KG., jointly and severally: EUR 121 211 000;
- (c) on ZF TRW Automotive Holdings Corp. (formerly TRW Automotive Holdings Corp.), TRW Automotive Safety Systems GmbH and TRW Automotive GmbH, jointly and severally: EUR 158 824 000;

⁽⁸⁾ See also Commission Decision C(2017) 7670 final of 22.11.2017 in case AT.39881 — *Occupant Safety Systems supplied to Japanese Car Manufacturers*.

For Infringement II:

- (a) on TKJP Corporation (formerly Takata Corporation) and TB Deu Abwicklungs-Aktiengesellschaft i.L. (formerly Takata Aktiengesellschaft), jointly and severally: EUR 0;
 - (b) on Autoliv, Inc. and Autoliv B.V. & Co. KG, jointly and severally: EUR 58 175 000;
 - (c) on ZF TRW Automotive Holdings Corp. (formerly TRW Automotive Holdings Corp.), TRW Automotive Safety Systems GmbH and TRW Automotive GmbH, jointly and severally: EUR 30 067 000.
-

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 ⁽¹⁾)

(Text with EEA relevance)

(2019/C 199/05)

Decisions granting an authorisation

Reference of the decision ⁽¹⁾	Date of decision	Substance name	Holder of the authorisation	Authorisation numbers	Authorised uses	Date of expiry of review period	Reasons for the decision
PE 2019 3912	7 June 2019	arsenic acid EC No 231-901-9, CAS No 7778-39-4	Circuit Foil Luxembourg SARL, Zone industrielle C. Salzbaach, 9559 Wiltz, Luxembourg	REACH/19/17/0	Industrial use of arsenic acid for the treatment of copper foil used in the manufacture of printed circuit board	22 August 2024	In accordance with Article 60(4) of Regulation (EC) No 1907/2006, the socio-economic benefits outweigh the risk to human health arising from the use of the substance. There are no suitable alternatives.

⁽¹⁾ The decision is available on the European Commission website at: http://ec.europa.eu/growth/sectors/chemicals/reach/about/index_en.htm

⁽¹⁾ OJ L 396, 30.12.2006, p. 1

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case M.9391 — PGGM/Macquarie/MAGL)
Candidate case for simplified procedure
(Text with EEA relevance)
(2019/C 199/06)

1. On 5 June 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:

- Stichting Depository PGGM Infrastructure Funds ('PGGM', The Netherlands), belonging to the PGGM Group (The Netherlands),
- Macquarie Group ('Macquarie', Australia),
- Macquarie AirFrance Group Limited ('MAGL', United Kingdom).

PGGM and the Macquarie Group acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of MAGL.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for PGGM group: manages pensions for different pension funds, the affiliated employers and their employees,
- for Macquarie Group: a financial group that provides asset management and finance, banking, advisory and risk and capital solutions,
- for MAGL: aircraft leasing worldwide.

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.9391 — PGGM/Macquarie/MAGL

⁽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

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