

Official Journal of the European Union

C 417



English edition

Information and Notices

Volume 65

31 October 2022

Contents

II *Information*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2022/C 417/01	Non-opposition to a notified concentration (Case M.10904 – CVC / MATICMIND / SIO) ⁽¹⁾	1
2022/C 417/02	Non-opposition to a notified concentration (Case M.10945 – GIP / MERIDIAM / SUEZ RECYCLING AND RECOVERY UK) ⁽¹⁾	2

IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2022/C 417/03	Euro exchange rates — 28 October 2022	3
2022/C 417/04	Opinion of the Advisory Committee on mergers at its meeting on 14 January 2022 concerning a Decision in case M.10262 – META (FORMERLY FACEBOOK) / KUSTOMER – Meeting by Audio Conference – via ‘Skype for Business’ – Rapporteur: Spain ⁽¹⁾	4
2022/C 417/05	Final Report of the Hearing Officer – Case M.10262 – META (FORMERLY FACEBOOK) / KUSTOMER ⁽¹⁾	6
2022/C 417/06	Summary of Commission Decision of 27 January 2022 declaring a concentration compatible with the internal market and the functioning of the EEA Agreement (CASE M.10262 – META (FORMERLY FACEBOOK) / KUSTOMER) (NOTIFIED UNDER DOCUMENT C(2022) 409) ⁽¹⁾	8
2022/C 417/07	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⁾	13

EN

⁽¹⁾ Text with EEA relevance.

2022/C 417/08	Explanatory notes to the Combined Nomenclature of the European Union	14
---------------	--	----

NOTICES FROM MEMBER STATES

2022/C 417/09	Commission information notice pursuant to Article 16(4) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community – Amendment to public service obligations in respect of scheduled air services ⁽¹⁾	15
---------------	--	----

V *Announcements*

ADMINISTRATIVE PROCEDURES

European Commission

2022/C 417/10	Disclosure of the material parts of the bankruptcy decision and insolvency declaration in respect of the assets of Sberbank CZ, a.s., in liquidation under Article 13 of Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding up of credit institutions – Invitation to lodge a claim — Time limits to be observed – Invitation to oppose a claim — Time limits to be observed	16
---------------	--	----

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

2022/C 417/11	Prior notification of a concentration (Case M.10934 – VINCI ENERGIES / KONTRON IT SERVICE COMPANIES) – Candidate case for simplified procedure ⁽¹⁾	18
2022/C 417/12	Prior notification of a concentration (Case M.10960 – EPPE / PZEM SUBSIDIARIES) – Candidate case for simplified procedure ⁽¹⁾	20

⁽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.10904 – CVC / MATICMIND / SIO)****(Text with EEA relevance)**

(2022/C 417/01)

On 21 October 2022, 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 policy’ 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 32022M10904. EUR-Lex is the online point of access to European Union law.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Non-opposition to a notified concentration**(Case M.10945 – GIP / MERIDIAM / SUEZ RECYCLING AND RECOVERY UK)****(Text with EEA relevance)**

(2022/C 417/02)

On 24 October 2022, 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 French 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 policy’ 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 32022M10945. EUR-Lex is the online point of access to European Union 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⁾

28 October 2022

(2022/C 417/03)

1 euro =

Currency			Exchange rate		
Currency			Exchange rate		
USD	US dollar	0,9951	CAD	Canadian dollar	1,3542
JPY	Japanese yen	146,79	HKD	Hong Kong dollar	7,8107
DKK	Danish krone	7,4423	NZD	New Zealand dollar	1,7151
GBP	Pound sterling	0,86120	SGD	Singapore dollar	1,4055
SEK	Swedish krona	10,9403	KRW	South Korean won	1 417,70
CHF	Swiss franc	0,9920	ZAR	South African rand	18,0530
ISK	Iceland króna	143,30	CNY	Chinese yuan renminbi	7,2159
NOK	Norwegian krone	10,2695	HRK	Croatian kuna	7,5320
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 481,88
CZK	Czech koruna	24,465	MYR	Malaysian ringgit	4,6994
HUF	Hungarian forint	411,70	PHP	Philippine peso	57,739
PLN	Polish zloty	4,7275	RUB	Russian rouble	
RON	Romanian leu	4,9189	THB	Thai baht	37,724
TRY	Turkish lira	18,5219	BRL	Brazilian real	5,3270
AUD	Australian dollar	1,5511	MXN	Mexican peso	19,7718
			INR	Indian rupee	82,0565

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

**Opinion of the Advisory Committee on mergers at its meeting on 14 January 2022 concerning a
Decision in case M.10262 – META (FORMERLY FACEBOOK) / KUSTOMER**

Meeting by Audio Conference – via ‘Skype for Business’

Rapporteur: Spain

(Text with EEA relevance)

(2022/C 417/04)

Concentration

1. The Advisory Committee (16 Member States) agrees with the Commission that the notified transaction constitutes a concentration within the meaning of Article 3(1)(b) of the Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the ‘Merger Regulation’) ⁽¹⁾.

Market definition

Product market definition

2. The Advisory Committee agrees with the conclusions reached by the Commission in the draft Decision in relation to the definition of the following relevant product markets for:
 - a) The supply of CRM software (16 Member States agree);
 - b) The supply of B2C communication services (16 Member States agree);
 - c) The supply of online display advertising (15 Member States agree. 1 Member State abstains).

Geographic market definition

3. The Advisory Committee agrees with the conclusions reached by the Commission in the draft Decision in relation to the definition of the relevant geographic market for the following product markets for:
 - a) The supply of CRM software (i.e. at least EEA-wide, if not worldwide) (16 Member States agree);
 - b) The supply of B2C communication services (i.e. at least EEA-wide, if not worldwide) (16 Member States agree);
 - c) The supply of online display advertising (i.e. either national or following linguistic borders within the EEA) (15 Member States agree. 1 Member State abstains).

Competitive assessment

4. The Advisory Committee (16 Member States) agrees with the Commission’s assessment that the notified transaction would likely (and even with strong probability) significantly impede effective competition, as a result of vertical non-coordinated effects arising from the targeted input foreclosure of providers of CRM software caused by restriction or degradation of their access to Meta (formerly Facebook)’s B2C communication channels.
5. The Advisory Committee agrees with the Commission’s assessment that the notified transaction is unlikely to significantly impede effective competition, as a result of horizontal non-coordinated effects arising from the combination of Meta’s and Kustomer’s databases and data collection capabilities for use in the supply of online display advertising (i.e. by strengthening Meta (formerly Facebook)’s market position). 14 Member States agree. 2 Member States abstain.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

6. The Advisory Committee agrees with the Commission's assessment that the notified transaction is unlikely to significantly impede effective competition, as a result of conglomerate effects arising from any bundling of online display advertising and CRM software by the merged entity. 14 Member States agree. 2 Member States abstain.

Commitments

7. The Advisory Committee agrees with the Commission's conclusion that the API Access Commitment as offered by the Notifying Party on 20 December 2021 removes concerns as to the input foreclosure of providers of CRM software caused by restriction or degradation of their access to the Meta (formerly Facebook)'s B2C communication channels. 14 Member States agree. 2 Member States abstain.
8. The Advisory Committee agrees with the Commission that, subject to the full compliance with the final commitments offered by the Notifying Party on 20 December 2021, the notified transaction is not likely to significantly impede effective competition in the internal market or in a substantial part of it. 13 Member States agree. 3 Member States abstain.

Compatibility with the internal market and the Agreement on the European Economic Area

9. The Advisory Committee agrees with the Commission that the notified concentration must therefore be declared compatible with the internal market and the Agreement on the European Economic Area ⁽²⁾ in accordance with Article 2(2) and Article 8(2) of the Merger Regulation and Article 57 of the Agreement on the European Economic Area. 13 Member States agree. 3 Member States abstain.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

Final Report of the Hearing Officer ⁽¹⁾**Case M.10262 – META (FORMERLY FACEBOOK) / KUSTOMER****(Text with EEA relevance)**

(2022/C 417/05)

1. On 25 June 2021, the Commission received a notification of a proposed concentration, by which Meta Platforms, Inc., formerly Facebook, Inc. ('Meta (formerly Facebook)' or 'Facebook') ⁽²⁾ would acquire, within the meaning of Article 3(1)(b) of Council Regulation (EC) No 139/2004 ⁽³⁾ ('the Merger Regulation'), sole control of Kustomer, Inc. ('Kustomer') (the 'Proposed Transaction'). For the purpose of this report, Meta (formerly Facebook) and Kustomer are together referred to as 'the Parties'.

2. On 2 August 2021, the Commission adopted a decision to initiate proceedings pursuant to Article 6(1)(c) of the Merger Regulation, as the Commission's first phase investigation raised serious doubts as to the compatibility of the Proposed Transaction with the internal market.

3. On 3 August 2021, the Commission issued a decision to Facebook pursuant to Article 11(3) of the Merger Regulation, requiring Facebook to supply certain information not later than 10 August 2021.

4. On 6 August 2021, following a formal request by Facebook dated 5 August 2021, the Commission extended the time-period pursuant to Article 10(3), first subparagraph, of the Merger Regulation set for the adoption of a decision pursuant to Article 8 of the Merger Regulation in relation to the Proposed Transaction by five working days, as requested, pursuant to Article 10(3), second subparagraph, of the same regulation.

5. On 24 August 2021, in agreement with Meta (formerly Facebook), the Commission extended the period for taking a decision pursuant to Article 8 of the Merger Regulation by ten working days in accordance with Article 10(3), second subparagraph, third sentence of the Merger Regulation.

6. On 18 October 2021, the Commission adopted a Statement of Objections addressed to Facebook (the 'SO'). The SO was formally notified to Facebook on the same day and Facebook was granted a deadline to submit its observations until 3 November 2021. On 19 October 2021, Kustomer was also informed of the adoption of the SO and offered the opportunity to request a non-confidential version, should it want to submit (separate) observations pursuant to Article 13(2) of Commission Regulation (EC) 802/2004 ⁽⁴⁾.

7. In the SO, the Commission came to the preliminary view that it is likely, and there is even a strong probability, that the Proposed Transaction would significantly impede effective competition within the meaning of Article 2(3) of the Merger Regulation. This would be the result of vertical non-coordinated effects on the EEA or worldwide market for customer service and support customer relationship management ('CRM') software, as well as on the broader market for CRM software overall, and possible segments of each such market.

8. On 19 October 2021, Facebook obtained access to the accessible documents in the Commission's case file. Subsequent access to the file was provided on 21 October 2021, 29 October 2021, 6 December 2021, 8 December 2021 and 10 December 2021.

⁽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⁾ On 28 October 2021, Facebook, Inc. changed its name to Meta Platforms, Inc.

⁽³⁾ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ L 133, 30.4.2004, p. 1).

9. I have not received any complaint or further request from the Parties regarding access to the file.
10. On 3 November 2021, Meta (formerly Facebook) replied to the SO. The Parties did not request a formal oral hearing.
11. On 24 November 2021, Meta (formerly Facebook) submitted commitments in accordance with Article 8(2) and 10(2) of the Merger Regulation, with a view to rendering the Proposed Transaction compatible with the internal market and the functioning of the EEA Agreement. The Commission launched a market test of these commitments on 26 November 2021.
12. On 3 December 2021, the Commission addressed Meta (formerly Facebook) a letter of facts, where it pointed out additional factual elements in support of the preliminary conclusions reached in the SO. Some of these were already present in the file at the time of the SO, while others were obtained by the Commission only after adopting the SO. Upon further analysis of the file, the Commission concluded that these elements were potentially relevant to substantiate its final decision.
13. On 13 December 2021, Meta (formerly Facebook) submitted a written response to the letter of facts.
14. On 17 December 2021, in agreement with Meta (formerly Facebook), the Commission extended the period for taking a decision pursuant to Article 8 of the Merger Regulation by five working days in accordance with Article 10(3), second subparagraph, third sentence of the Merger Regulation.
15. On 20 December 2021, having received feedback from the Commission on the commitments submitted earlier, Meta (formerly Facebook) submitted revised and final commitments, in accordance with Article 8(2) and 10(2) of the Merger Regulation, with a view to rendering the Proposed Transaction compatible with the internal market and the functioning of the EEA Agreement (the 'Final Commitments').
16. The draft decision declares the Proposed Transaction compatible with the internal market and the functioning of the EEA Agreement, subject to full compliance with the Final Commitments.
17. I have reviewed the draft decision pursuant to Article 16(1) of Decision 2011/695/EU and I conclude that it deals only with objections in respect of which the Parties have been afforded the opportunity of making their views known.
18. In view of the above, I consider that the effective exercise of procedural rights has been respected in this case.

Brussels, 17 January 2020.

Dorothe DALHEIMER

Summary of Commission Decision**of 27 January 2022****declaring a concentration compatible with the internal market and the functioning of the EEA Agreement****(CASE M.10262 – META (FORMERLY FACEBOOK) / KUSTOMER) (NOTIFIED UNDER DOCUMENT C(2022) 409)****(Only the English version is authentic)****(Text with EEA relevance)**

(2022/C 417/06)

On 27 January 2022 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings ⁽¹⁾, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/competition/elojade/isef/index.cfm?clear=1&policy_area_id=2

1. INTRODUCTION

- (1) On 25 June 2021, the Commission received a notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Meta Platforms, Inc., formerly Facebook, Inc. ('Meta' or 'Facebook' or the 'Notifying Party', U.S.) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of Kustomer, Inc. ('Kustomer', U.S.) (jointly the 'Parties') (the 'Transaction').
- (2) By Decision dated 2 August 2021, the Commission found that the proposed Transaction raised serious doubts as to its compatibility with the internal market and initiated proceedings pursuant to Article 6(1)(c) of the Merger Regulation (the 'Article 6(1)(c) Decision').
- (3) On 18 October 2021, the Commission adopted a Statement of Objections where it came to the preliminary view that it is likely, and there is even a strong probability, that the Transaction would significantly impede effective competition in a substantial part of the internal market (the 'SO').
- (4) On 24 November 2021, the Notifying Party submitted commitments to address the competition concerns identified by the Commission (the 'Initial Commitments'). Following the market test, the Notifying Party submitted a final set of commitments on 20 December 2021 (the 'Final Commitments').
- (5) The Decision was consulted with the Member States during the Advisory Committee on Concentrations on 14 January 2022, which provided a positive opinion. The Hearing Officer provided its favourable opinion on the proceedings in his report which was submitted on 17 January 2022.

2. SUMMARY

- (6) The market investigation in Phase II revealed that the Transaction would significantly impede effective competition in the internal market with regard to the EEA-wide, if not worldwide, market for CRM software (or potential segment thereof).
- (7) In order to address the Commission's competition concerns in the CRM software market, the Notifying Party submitted commitments. The Final Commitments address the Commission's concerns.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

- (8) Subject to full compliance with the conditions and obligations set out in the Final Commitments, the Transaction is declared compatible with the internal market and with the EEA Agreement and therefore, a clearance decision pursuant to Article 8(2) of the Merger Regulation and Article 57 of the EEA Agreement was adopted on 27 January 2022.

3. THE RELEVANT MARKETS

- (9) The Decision identifies the following relevant markets:
- (a) CRM software, and the potential segment of customer service and support CRM software, both of which are potentially further segmented based on (i) mode of deployment, (ii) business customer size, and (iii) industry sector in which business customers are active. The Commission found that the Transaction would significantly impede effective competition in this market irrespective of such potential segmentation. The geographic scope is at least EEA-wide if not worldwide.
 - (b) Business-to-consumer ('B2C') communication services, potentially further segmented to the market for asynchronous B2C communication services and the even narrower market for over-the-top ('OTT') B2C messaging services. The geographic scope is at least EEA-wide if not worldwide.
 - (c) Online display advertising, potentially further segmented by (i) on-/off-social networks, (ii) video/non-video ads, and (iii) mobile/desktop (or possible combinations of these segments). The geographic scope is either national in scope or following linguistic borders within the EEA.

4. COMPETITIVE ASSESSMENT

- (10) The Commission assessed the vertical effects of the Transaction as regards possible foreclosure from access to APIs of Meta (formerly Facebook)'s messaging channels upstream to the detriment of competing providers of CRM software downstream.
- (11) In addition, the Commission assessed the horizontal effects of the Transaction on databases (and data collection capabilities), that is Meta (formerly Facebook) as source of user data for possible use in online display advertising services. Otherwise, there are no horizontally affected markets arising from the Transaction.
- (12) Finally, the Commission assessed the conglomerate effects of the Transaction as regards leveraging of Meta (formerly Facebook)'s position in the online display advertising market into the CRM market.

4.1. Vertical effects

4.1.1. *Foreclosure of access to APIs to Meta (formerly Facebook)'s messaging channels to the detriment of competing providers of CRM software (input foreclosure)*

- (13) The Commission considers, based on the results of the market investigation, that Meta (formerly Facebook) would likely have the ability to engage in input foreclosure of its B2C messaging channels to competing providers of CRM software. First, API access to OTT B2C messaging channels is an important input for CRM software providers (and their business customers). Second, Meta (formerly Facebook) has market power within the B2C communications market (and potential segments thereof). Third, Meta (formerly Facebook) has the ability — both technically and contractually — to restrict or degrade API access to its messaging channels, including the ability to target such a foreclosure strategy at Kustomer's close rivals.
- (14) Furthermore, based on the results of the market investigation, the Commission considers that the merged entity would likely have the incentive to engage in a targeted input foreclosure, by restricting or degrading API access to its B2C messaging channels for certain CRM software providers. First, the gains to the merged entity from a foreclosure strategy appear numerous, diverse and significant. Second, the losses to the merged entity from a foreclosure strategy can be limited to a sufficient degree by the merged entity, by targeting Kustomer's close competitors and through further aggravating factors.

- (15) Lastly, the Commission considers that it is likely that a targeted input foreclosure strategy of restricting or degrading API access would have significant negative effects on competition in the market for CRM software (or potential segments), in particular in light of the importance of Meta (formerly Facebook)'s messaging channels as an input into CRM software. The impact may be particularly acute as potentially foreclosed firms play a sufficiently important role in the competitive process (especially as drivers of innovation). This reduction in competition may result in higher prices, lower quality and less innovation for business customers, which may in turn be passed on to consumers.
- (16) Therefore, in light of the results of the market investigation and of all the evidence available to it, the Commission has reached the conclusion that it is likely, and there is even a strong probability, that the Transaction would significantly impede effective competition as a result of vertical non-coordinated effects arising from vertical links between the upstream market for B2C communications services (and potential segments thereof) and the downstream market for CRM software (and potential segments thereof).

4.2. Horizontal effects

4.2.1. *Raised barriers to entry and expansion as a result of data accumulation*

- (17) While the Transaction does not give rise to any horizontally affected markets in a traditional sense, the Commission considers that, after the Transaction, the availability of Meta (formerly Facebook) of commercially exploitable data, which can be obtained from Kustomer's activities, would be augmented.
- (18) The Commission has examined whether this accumulation of data might lead to raised barriers to entry and expansion on the market for online display advertising or any segment thereof.
- (19) Based on the approach adopted in Apple/Shazam ⁽²⁾ and Google/Fitbit ⁽³⁾ the Commission notes that there are certain regulatory limitations to prevent the illegal combination of datasets such as the applicable EU rules dealing with personal data protection, and most notably to Regulation (EU) 2016/679 of the European Parliament and of the Council (the 'GDPR') and the Union rules dealing with privacy and the protection of the confidentiality of communications, notably Directive 2002/58/EC of the European Parliament and of the Council (the 'e-Privacy Directive').
- (20) In relation to the market for online display advertising services, the Commission maintains its conclusion, as set out in the Article 6(1)(c) Decision, that Meta (formerly Facebook) holds at least significant market power and it considers that Meta (formerly Facebook) has already prior to the Transaction data collecting capabilities that provide a significant data advantage.
- (21) The Commission observes that the acquisition of Kustomer does not directly lead to an increased market share of Meta (formerly Facebook) on the market for online display advertising services or any segment thereof, as Kustomer itself is not active on this market or any of its segments. Moreover, Kustomer does not generally own / control the data that is stored on Kustomer's systems. Any CRM provider would therefore need to obtain agreement / instruction from its business customers before it could use any of its data.
- (22) As regards potential data accumulation, the Commission considers that Meta (formerly Facebook) will have the ability to encourage business customers to agree to share data. In relation to its volume, value, variety and velocity, this data is highly relevant for improving Meta (formerly Facebook)'s targeting capabilities for the online display advertising services it provides. While Meta (formerly Facebook) might already have access to many if not most of the types of data that it might obtain through the acquisition of Kustomer, the Commission considers that it might still get access to certain new types of data.

⁽²⁾ Commission decision of 6 September 2018 in case M.8788 – Apple/Shazam, recitals 225-235.

⁽³⁾ Commission decision of 17 December 2020 in case M.9660 – Google/Fitbit, recitals 403-413.

- (23) The Commission considers it unlikely that the Transaction will lead to a significant increase in the barriers to entry and expansion on the market for online display advertising services or any segments thereof as the size of Kustomer would make a significant data increase unlikely, even taking into account Meta (formerly Facebook)'s growth targets. Moreover, the Commission concludes that competitors on the market for online display advertising services or any segment thereof would still have access to data from Kustomer's business customers, or alternatively could get access to similar datasets through for example partnerships with other CRM software providers.
- (24) The Commission therefore considers that the Transaction would not significantly impede effective competition in respect of the supply of online display advertising services or any segments thereof.

4.3. Conglomerate effects

4.3.1. *Leveraging of Meta (formerly Facebook)'s position in the online display advertising market into the CRM market*

- (25) The Commission considers that the merged entity would not have the ability to engage in a bundling strategy of online display advertising services with CRM software. Despite Meta (formerly Facebook)'s significant market power in online display advertising, these products have different purchasing patterns. In this regard, the market investigation indicated CRM software services and online display advertising services tend to be purchased separately and likely at very different intervals, namely because their purchase involves separate and different procedures that are usually handled by different departments in the same business customer.
- (26) Since the Commission considers that Meta (formerly Facebook) would not have the ability to bundle online display advertising with CRM software, the question whether Meta (formerly Facebook) would have the incentive to engage in such a bundling strategy and whether it would have a detrimental effect on competition can be left open.
- (27) Therefore, the Commission considers the Transaction would not significantly impede effective competition as a result of bundling of online display advertising and CRM software, considering that Meta (formerly Facebook) would not have the ability to engage in such a strategy.

5. UNDERTAKINGS SUBMITTED BY THE PARTIES

- (28) In order to remove the competition concerns arising from the Transaction, the Notifying Party submitted commitments in Phase II.

5.1. Initial Commitments

- (29) The Initial Commitments, offered for a five-year duration from closing of the Transaction, comprised two main elements: (A) a public API access commitment, and (B) a core API functionality-parity commitment.

5.1.1. *The public API access commitment*

- (30) By the public API access commitment, Meta (formerly Facebook) committed to maintain access of third party customer service and support CRM providers with sales in the EEA to its publicly available B2C messaging channel APIs (both existing and future ones), on a non-discriminatory basis, in particular with regard to (i) eligibility criteria, (ii) API access pricing, (iii) functionality or (iv) performance compared to other comparable users of those APIs.

5.1.2. *The core API functionality-parity commitment*

- (31) By the core API functionality-parity commitment, Meta (formerly Facebook) committed to ensure that all core B2C messaging channel API functionalities (and any future improvements on such functionalities) made available to Kustomer would also be made available on an equivalent basis to third party customer service and support CRM providers, even if such functionalities were not covered by the public API access commitment. This Initial Commitments defined the following functionalities of the Messenger, Instagram Messaging and the WhatsApp Business Platforms as core B2C messaging channel API functionalities: sending/receiving (i) text-based messages, (ii) image attachments, and (iii) URL links.

5.2. Final Commitments

- (32) Following the market test, the Notifying Party proposed Final Commitments which contained several significant improvements compared to the Initial Commitments, in particular the following.
- (33) First, the duration was increased from five to ten years.
- (34) Second, in relation to the public API access commitment, the Final Commitments included a clear commitment that Meta (formerly Facebook) would not charge third party customer service and support CRM providers for access to its publicly available B2C messaging channel APIs, which were accessible free of charge pre-Transaction, while reserving the right to charge commercially reasonable usage or volume-based fees.
- (35) Third, in relation to the core API functionality-parity commitment, the Final Commitments significantly expanded the list of core B2C messaging channel API functionalities, namely all B2C messaging channel API functionalities integrated into Kustomer's CRM software pre-Transaction. The Final Commitments also introduced a mechanism to add new functionalities to the definition core B2C messaging channel API functionalities in the future, based on usage (including for testing) by a critical mass of the business users of Kustomer's CRM tool.
- (36) Fourth, the Final Commitments could be relied on not only by third party CS CRM providers which already have sales in the EEA but also by new entrants provided they actively target customers in the EEA.

5.3. Assessment of the undertakings submitted

- (37) The Commission considers that, in order to be acceptable, the proposed commitments must be capable of rendering a concentration compatible with the internal market as they prevent a significant impediment to effective competition in all relevant markets in which competition concerns were identified. In this case, the commitments needed to eliminate the competition concerns identified by the Commission, namely with respect to the EEA-wide, if not worldwide, downstream market for CRM software (or potential segments thereof).
- (38) The Commission concludes that the Final Commitments address the competition issues raised by the Transaction in their entirety. The Commission also concludes that the Final Commitments are capable of being implemented effectively within a short period of time.

6. CONCLUSION

For the reasons mentioned above, in the Decision the Commission concluded that, subject to compliance with the commitments given by the Notifying Party, the Transaction would not significantly impede effective competition in the internal market or in a substantial part of it. Consequently, the Decision declares the concentration compatible with the internal market, in accordance with Articles 2(2) and Article 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.

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)

(2022/C 417/07)

Decision granting an authorisation

Reference of the decision ⁽¹⁾	Date of decision	Substance name	Holder(s) of the authorisation	Authorisation number	Authorised use	Date of expiry of review period	Reasons for the decision
C(2022) 7402	24 October 2022	4-(1,1,3,3-Tetra methylbutyl) phenol, ethoxylated (4-tert-OPnEO) EC No: -, CAS No:-	Swords Laboratories Unlimited Company, Cruiserath Road, Mulhuddart, D15H6EF Dublin 15, Co Dublin, Ireland	REACH/22/38/0	Industrial use as surfactant in the purification of the biopharmaceutical drug Orencia, used for the treatment of rheumatoid arthritis, juvenile idiopathic arthritis and adult psoriatic arthritis	4 January 2033	In accordance with Article 60(4) of Regulation (EC) No 1907/2006, the socio-economic benefits outweigh the risk to human health and the environment from the uses of the substance and there are no suitable alternative substances or technologies.

⁽¹⁾ The decision is available on the European Commission website at: [Authorisation \(europa.eu\)](https://european-commission.europa.eu/authorisation).

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

Explanatory notes to the Combined Nomenclature of the European Union

(2022/C 417/08)

Pursuant to Article 9(1), point (a), of Council Regulation (EEC) No 2658/87 ⁽¹⁾, the Explanatory notes to the Combined Nomenclature of the European Union ⁽²⁾ are amended as follows:

On page 343, after the Explanatory note to subheading 8479 40 00, the following Explanatory note is inserted:

‘8479 89 70 Automated electronic component placement machines of a kind used solely or principally for the manufacture of printed circuit assemblies

This subheading includes printed circuit board assembly machines for mounting active, passive or connecting components on printed circuits (pick-and-place machines). These components are automatically fed to the machine on tapes (belts). The machines position the components exactly at the intended locations and mount them on the printed circuit. After the components have been mounted, they are fixed to the printed circuit by, for example, soldering or contact bonding. Apart from the assembly of semiconductor devices, these machines are also able to pick and place other components on substrates’;

and in the Explanatory note to subheading 8479 89 97, point 3 is deleted.

On page 357, the Explanatory note to subheading 8529 90 92 is deleted.

⁽¹⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽²⁾ OJ C 119, 29.3.2019, p. 1.

NOTICES FROM MEMBER STATES

Commission information notice pursuant to Article 16(4) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community**Amendment to public service obligations in respect of scheduled air services**

(Text with EEA relevance)

(2022/C 417/09)

Member State	France
Route concerned	Rodez - Paris (Orly)
Original date of entry into force of the public service obligations	1 June 1997
Date of entry into force of the amendment(s)	20 January 2024
Address where the text and any information and/or documentation relating to the public service obligation can be obtained	Order of 20 September 2022 amending the public service obligations imposed on scheduled air services between Rodez and Paris (Orly) NOR : TREA2225691A https://www.legifrance.gouv.fr For further information, please contact: Directorate-General of Civil Aviation DTA/SDS1 50 rue Henry Farman 75 720 Paris Cedex 15 FRANCE Tel. +33 1 58094321

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Disclosure of the material parts of the bankruptcy decision and insolvency declaration in respect of the assets of Sberbank CZ, a.s., in liquidation under Article 13 of Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding up of credit institutions

Invitation to lodge a claim — Time limits to be observed

Invitation to oppose a claim — Time limits to be observed

(2022/C 417/10)

Identification of the debtor: Sberbank CZ, a.s., in liquidation, a public limited company incorporated and existing under Czech law, having its registered office at U Trezorky 921/2, Jinonice, 158 00 Prague 5, ID No: 25083325, entered in the commercial register kept by Prague Municipal Court, section B, entry 4353.

Identification of the insolvency court: Prague Municipal Court, having its registered address at Slezská 9, 120 00 Prague 2, Czech Republic.

Identification of the liquidator: Jiřina Lužová, lawyer, having her registered address at Dušní 866/22, 110 00 Prague 1, Czech Republic, ID No: 44686650, e-mail: ak@akluzova.cz, telephone number +420 222327902.

On 26 August 2022, Prague Municipal Court issued decision No MSPH 95 INS 12575/2022 - A-72, which, in accordance with Czech law (Act No 182/2006 on bankruptcy and procedures for handling it ('the Insolvency Act'), as amended):

- a) declared bankrupt the debtor Sberbank CZ, a.s., in liquidation, a public limited company incorporated and existing under Czech law, having its registered office at U Trezorky 921/2, Jinonice, 158 00 Prague 5, ID No: 25083325, entered in the commercial register kept by Prague Municipal Court, section B, entry 4353 (**'the Debtor'**); and
- b) declared insolvency in respect of the Debtor's assets (**'the Decision'**).

The decision also appointed Jiřina Lužová, lawyer, having her registered address at Dušní 866/22, 110 00 Prague 1, Czech Republic, ID No: 44686650, as liquidator for the Debtor.

Claims by creditors as shown in the Debtor's accounts shall be considered lodged. Creditors will be notified individually of this fact within 60 days of the insolvency declaration. The deadline for this shall be 25 October 2022.

A creditor who disagrees with the amount or nature of his or her claim as set out in the notification pursuant to the preceding paragraph may lodge an objection in writing with the liquidator within four months of the date of the insolvency declaration; failure to do so shall imply the creditor's agreement with the contents of the notification. The deadline for this shall be 26 December 2022. A creditor with his or her registered address, office, domicile or usual place of residence in a Member State of the European Union or of the European Economic Area may lodge an objection in the official language of that State. The objection must be headed *Podání námítky proti výši pohledávky* ['Objection to the amount of a claim'] in Czech. If the content of the objection is clear to the liquidator, she shall take it into account, even if it does

not bear the header. The liquidator shall not be obliged to take a subsequent objection into account, unless it is clear that it was delivered in good time to the authority responsible for serving it. The liquidator may require a creditor to submit a translation of the objection into Czech.

Within three months of the publication of this extract of the judgment in the *Official Journal of the European Union*, a creditor may lodge an objection to the effect that he or she has not received a notification from the liquidator pursuant to Section 373(2) of the Insolvency Act. The objection shall state the amount of the claim against the debtor at the date of the insolvency declaration in respect of the debtor's assets. The objection shall be accompanied by officially certified copies of any documentation confirming the alleged amount, the date of onset and the nature of the claim, and in particular whether the claim is one against the insolvency estate (Section 168 Insolvency Act), is equivalent to one against the insolvency estate (Section 169 Insolvency Act), is a claim with entitlement to satisfaction from collateral security, is a claim otherwise secured, or is a subsidiary claim (Section 172(2) Insolvency Act), and shall state any reservation of title. A creditor with his or her registered address, office, domicile or usual place of residence in a Member State of the European Union or of the European Economic Area may lodge an objection in the official language of that State. The objection must be headed *Přihláška pohledávky* ['Lodgement of claim'] in Czech. If the content of the objection is clear to the liquidator, she shall take it into account, even if it does not bear the header. The liquidator shall not be obliged to take a subsequent objection into account, unless it is clear that it was delivered in good time to the authority responsible for serving it. The liquidator may require a creditor to submit a translation of the objection into Czech.

Jiřina Lužová, lawyer, liquidator for Sberbank CZ, in liquidation

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.10934 – VINCI ENERGIES / KONTRON IT SERVICE COMPANIES)

Candidate case for simplified procedure

(Text with EEA relevance)

(2022/C 417/11)

1. On 21 October 2022, 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:

- VINCI Energies S.A. ('VINCI Energies', France), a subsidiary of VINCI S.A. (France), the ultimate parent company of the VINCI Group,
- eight of Kontron AG's IT service companies, including their direct and indirect subsidiaries ('Kontron IT Service Companies'): Amanox Solutions AG (Switzerland), S&T Albania SH.p.k. (Albania), S&T Serbia d.o.o. (Serbia), hamcos IT Service GmbH (Germany), S&T Deutschland GmbH (Germany), S&T Mold srl. (Moldova), CITYCOMP Service GmbH (Germany) and S&T CEE Holding s.r.o. (Slovakia)

VINCI Energies will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the Kontron IT Service Companies.

The concentration is accomplished by way of purchase of shares.

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

- VINCI is a global diversified organisation active in concessions and infrastructure, building, public works, civil engineering and energy. Within VINCI Group, VINCI Energies is also active, through its brand line Axians, in the area of IT services. The Axians-network of companies provides IT services, such as cloud & data center infrastructures, enterprise networks, digital workspace, business applications & data analytics and cybersecurity.
- Kontron IT Service Companies are active in offering consultancy services on IT infrastructure such as datacenters and cloud services and the conception of tailored IT network and security concepts for on-site and cloud infrastructure. The Kontron IT Service Companies offer also the implementation, integration and supply of IT infrastructure and software applications and solutions.

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 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.

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

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.10934 – VINCI ENERGIES / KONTRON IT SERVICE COMPANIES

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.10960 – EPPE / PZEM SUBSIDIARIES)
Candidate case for simplified procedure

(Text with EEA relevance)

(2022/C 417/12)

1. On 20 October 2022, 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:

- EP Power Europe, a.s. ('EPPE', Czech Republic), belonging to the EPH Group (Czech Republic),
- PZEM Energy Company B.V. ('PEC') and its subsidiaries (a) Sloe Centrale Holding B.V. ('SCH'), (b) Sloe Centrale B.V. ('SCBV') and (c) PZEM Tolling Sloe B.V. ('PZEM TOLLING'), and PZEM Pipe B.V. ('PZEM PIPE') (all The Netherlands), either solely owned and controlled by PZEM Ficus or (ii) jointly owned and controlled by PZEM Ficus and EDF International.

EPPE will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of PEC, SCH, SCBV, PZEM TOLLING and PZEM PIPE.

The concentration is accomplished by way of purchase of shares.

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

- EPPE (Czech Republic) belongs to the EPH Group. The EPH Group is a vertically integrated energy utility with several activities including lignite mining, electricity and heat production, distribution and supply as well as gas transmission, distribution, storage and supply,
- PZEM Energy Company B.V. ('PEC') and its subsidiaries (a) Sloe Centrale Holding B.V. ('SCH'), (b) Sloe Centrale B.V. ('SCBV'), and (c) PZEM Tolling Sloe B.V. ('PZEM TOLLING') and PZEM Pipe B.V. ('PZEM PIPE') (all The Netherlands) are active in the energy and gas sector.

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 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.10960 – EPPE / PZEM SUBSIDIARIES

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').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Fax +32 22964301

Postal address:

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

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN