

25. 01. 2019

Brussels,  
Ares(2016)

Honourable Member,

*Dear Ana Gomes,*

Thank you for your letter of 11 December 2018 addressed to me as well as Commissioner Moscovici. You have asked for Commission decision C(2017) 4943 final, which is publicly available under this link:

[http://ec.europa.eu/competition/mergers/cases/decisions/m8487\\_88\\_3.pdf](http://ec.europa.eu/competition/mergers/cases/decisions/m8487_88_3.pdf)

I attach the decision in PDF format as well. Please note that this published decision contained no confidentialities, so there is no different non-public version.

As regards the sale and purchase agreement, this information is confidential and a business secret both for the purchaser Nani Holdings SGPS, S.A. and for the seller (the Fundo do Resolução), and the document contains commercial and market-sensitive information regarding the activities of the involved undertakings whose public disclosure would undermine the parties' commercial interests. As a result, the Commission cannot disclose it.

Undertakings also have a legitimate interest that the information is used only for the purposes of the Commission proceedings in application of the Merger Regulation. This also allows the undertakings to share all evidence with the Commission in the trust that it would only use the evidence for its assessment under the EU merger rules. This allows the Commission, also in line with Parliament's demands, to have full access to the evidence, do a thorough competition analysis and adopt a well-reasoned Commission decision. It is for these reasons that Article 17(1) the Merger Regulation provides that information acquired through the investigative powers of this regulation is used only for the purpose for which it was acquired, namely the administrative Commission procedure and the Court review of the decision resulting from this procedure.

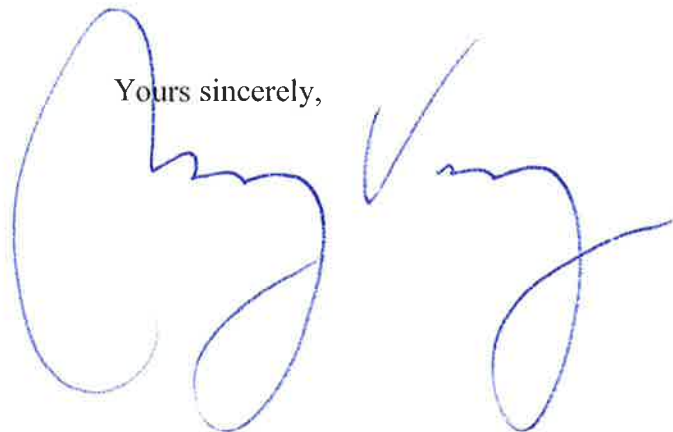
As regards your second question, the Commission is neither empowered to request national authorities to disclose details regarding economic undertakings nor does it have competence to direct concrete anti-money laundering investigations. It may therefore not lawfully intervene to request Portuguese authorities to make known the results of any possible own investigations into establishing the beneficial ownership of the entities you refer to.

Any interested party in possession of specific evidence of money laundering may file a complaint with the Portuguese police department, judicial authorities or the Public Prosecutors' office, who have investigative powers in such matters.

Alternatively, if you suspect that an undertaking has failed to comply with established Portuguese law such as regulation 5/2013 of the Bank of Portugal (BoP) of 18 December 2013 establishing the conditions, mechanisms and procedures deemed adequate and necessary for the controlling and monitoring of compliance with the legal duties on AML/CTF, the recommended course of action would be a direct notification to the AML/CTF Coordination Committee at the Banco do Portugal.

I hope this answers your query in a satisfactory manner and of course remain available for any further matters.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized initial 'G' followed by a surname that appears to be 'Gomes'.

**Mrs Ana GOMES**  
**Member of the European Parliament**  
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