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### Information and Notices

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**EN**
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<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

## II

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

## EUROPEAN COMMISSION

**Authorisation for State aid pursuant to Articles 107 and 108 of the TFEU****Cases where the Commission raises no objections****(Text with EEA relevance)**

(2011/C 236/01)

Date of adoption of the decision	10.5.2011
Reference number of State Aid	SA.31261 (11/N)
Member State	Germany
Region	Bayern
Title (and/or name of the beneficiary)	Kommunalbürgschaft für städtische Geothermie Unterschleißheim (GTU) AG
Legal basis	Bayerische Gemeindeordnung (Artikel 71f.)
Type of measure	Individual aid
Objective	—
Form of aid	Direct grant, Guarantee
Budget	—
Intensity	Measure does not constitute aid
Duration (period)	—
Economic sectors	Electricity, gas and water supply
Name and address of the granting authority	Stadt Unterschleißheim
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	13.7.2011
Reference number of State Aid	SA.32573 (11/N)
Member State	Denmark
Region	—
Title (and/or name of the beneficiary)	Short-term export-credit insurance scheme for SMEs
Legal basis	Act on Eksport Kredit Fonden: Legislative Order 913 of December 9, 1999
Type of measure	Aid scheme
Objective	Export credits, Export and internationalisation
Form of aid	Ad hoc contracts
Budget	Annual budget: — Overall budget: —
Intensity	—
Duration (period)	Until 31.12.2012
Economic sectors	All sectors
Name and address of the granting authority	Eksport Kredit Fonden Dahlerups Pakhus Langelinie Alle 17 2100 København K DANMARK
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	27.6.2011
Reference number of State Aid	SA.32683 (11/N)
Member State	Italy
Region	Veneto

Title (and/or name of the beneficiary)	Primi interventi urgenti di protezione civile diretti a fronteggiare i danni conseguenti gli eccezionali eventi alluvionali che hanno colpito il territorio della Regione Veneto nei giorni dal 31 ottobre al 2 novembre 2010
Legal basis	Progetto di Ordinanza del Commissario Delegato per il superamento dell'emergenza derivante dagli eventi alluvionali che hanno colpito il territorio della Regione Veneto nei giorni dal 3 ottobre al 2 novembre 2010, recante «disposizioni per la concessione alle imprese di aiuti destinati ad ovviare ai danni arrecati dagli eccezionali eventi alluvionali che hanno colpito il territorio regionale nei giorni dal 31 ottobre al 2 novembre 2010»; Ordinanza del Presidente del Consiglio dei Ministri n. 3906, del 13 novembre 2010, «Primi interventi urgenti di protezione civile diretti a fronteggiare i danni conseguenti agli eccezionali eventi alluvionali che hanno colpito il territorio della Regione Veneto nei giorni dal 31 ottobre al 2 novembre 2010»; Ordinanza del Commissario n. 4, del 24 novembre 2010, recante «individuazione dei Comuni danneggiati dagli eccezionali eventi alluvionali che hanno colpito il territorio della Regione Veneto nei giorni dal 31 ottobre al 2 novembre 2010»; Ordinanza del Commissario n. 9, del 17 dicembre 2010, recante «individuazione dei Comuni e delle Province destinatarie dei primi acconti per i danni subiti dalle opere pubbliche e dai soggetti privati e imprese a seguito dell'evento che ha colpito il Veneto dal 31 ottobre 2010 al 2 novembre 2010»; Ordinanza del Commissario n. 3, del 21 gennaio 2011, recante «integrazione alle Ordinanze commissariali n. 4, in data 24 novembre 2010 e n. 9 in data 17 dicembre 2010 e fissazione di termini temporali»
Type of measure	Aid scheme
Objective	Compensation for damage caused by natural disasters or exceptional occurrences
Form of aid	Direct grant
Budget	Overall budget: EUR 60 million
Intensity	100 %
Duration (period)	Until 31.12.2013
Economic sectors	All sectors
Name and address of the granting authority	Commissario delegato ex OPCM 3906 per il tramite dei Comuni
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	23.6.2011
Reference number of State Aid	SA.32994 (11/N)

Member State	Hungary
Region	—
Title (and/or name of the beneficiary)	Prolongation of the Hungarian liquidity scheme for banks
Legal basis	Az államháztartásról szóló 1992. évi XXXVIII. törvény 8/B. §-a alapján
Type of measure	Aid scheme
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Soft loan
Budget	Overall budget: HUF 1 100 800 million
Intensity	—
Duration (period)	1.7.2011-31.12.2011
Economic sectors	Financial intermediation
Name and address of the granting authority	Pénzügyminisztérium Budapest József nádor tér 2-4. 1051 MAGYARORSZÁG/HUNGARY
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	28.6.2011
Reference number of State Aid	SA.33007 (11/N)
Member State	Poland
Region	—
Title (and/or name of the beneficiary)	Trzecie przedłużenie okresu obowiązywania programu rekapitalizacji polskich banków
Legal basis	Ustawa z dnia 12 lutego 2010 r. o rekapitalizacji niektórych instytucji finansowych
Type of measure	Aid scheme

Objective	Aid to remedy serious disturbances in the economy
Form of aid	Other forms of equity intervention
Budget	Not specified, but within the overall budget envisaged for all Treasury guarantees which amounts to PLN 40 billion
Intensity	—
Duration (period)	1.7.2011-31.12.2011
Economic sectors	Financial intermediation
Name and address of the granting authority	Minister właściwy do spraw finansów publicznych Ministerstwo Finansów ul. Świętokrzyska 12 00-916 Warszawa POLSKA/POLAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

**Non-opposition to a notified concentration****(Case COMP/M.6273 — Samsung C&T Deutschland/Korea Development Bank/KNS Solar)****(Text with EEA relevance)**

(2011/C 236/02)

On 3 August 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6273. EUR-Lex is the on-line access to the European law.

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**Non-opposition to a notified concentration****(Case COMP/M.6213 — Westfield/CPPIB/APG)****(Text with EEA relevance)**

(2011/C 236/03)

On 5 August 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6213. EUR-Lex is the on-line access to the European law.
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**Non-opposition to a notified concentration****(Case COMP/M.6170 — First Reserve Fund XII/Finmeccanica/Ansaldo Energia)****(Text with EEA relevance)**

(2011/C 236/04)

On 11 May 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6170. EUR-Lex is the on-line access to the European law.

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**Non-opposition to a notified concentration****(Case COMP/M.6171 — IPIC/CEPSA)****(Text with EEA relevance)**

(2011/C 236/05)

On 5 July 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6171. EUR-Lex is the on-line access to the European law.
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**Non-opposition to a notified concentration****(Case COMP/M.6264 — Rhone Capital/Triton/Evonik carbon black business)****(Text with EEA relevance)**

(2011/C 236/06)

On 19 July 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6264. EUR-Lex is the on-line access to the European law.

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**Non-opposition to a notified concentration****(Case COMP/M.6288 — Blackstone/Stargazer)****(Text with EEA relevance)**

(2011/C 236/07)

On 26 July 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6288. EUR-Lex is the on-line access to the European law.
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## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

Euro exchange rates <sup>(1)</sup>

11 August 2011

(2011/C 236/08)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,4143	AUD	Australian dollar	1,3875
JPY	Japanese yen	108,29	CAD	Canadian dollar	1,4091
DKK	Danish krone	7,4506	HKD	Hong Kong dollar	11,0317
GBP	Pound sterling	0,87570	NZD	New Zealand dollar	1,7353
SEK	Swedish krona	9,2947	SGD	Singapore dollar	1,7210
CHF	Swiss franc	1,0499	KRW	South Korean won	1 533,02
ISK	Iceland króna		ZAR	South African rand	10,3391
NOK	Norwegian krone	7,8205	CNY	Chinese yuan renminbi	9,0437
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4515
CZK	Czech koruna	24,185	IDR	Indonesian rupiah	12 104,71
HUF	Hungarian forint	276,77	MYR	Malaysian ringgit	4,2479
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	60,146
LVL	Latvian lats	0,7093	RUB	Russian rouble	42,0250
PLN	Polish zloty	4,1759	THB	Thai baht	42,372
RON	Romanian leu	4,3005	BRL	Brazilian real	2,3061
TRY	Turkish lira	2,5350	MXN	Mexican peso	17,6618
			INR	Indian rupee	64,1600

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

## COMMISSION DECISION

of 11 August 2011

establishing the composition and the operational provisions of the Gas Coordination Group and  
repealing Commission Decision 2006/791/EC

(Text with EEA relevance)

(2011/C 236/09)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of natural gas supply and repealing Council Directive 2004/67/EC <sup>(1)</sup>, and in particular Article 12 thereof,

Whereas:

(1) Article 12 of Regulation (EU) No 994/2010 has established a Gas Coordination Group in order to facilitate the coordination of measures concerning security of gas supply. This Group should be composed of the Member States, in particular of their Competent Authorities, as well as the Agency for the Cooperation of Energy Regulators, the European Network of Transmission System Operators for Gas and representative bodies of the industry concerned and relevant customers.

(2) Security of gas supply is a shared responsibility of natural gas undertakings, Member States, and the Commission within their respective areas of activities and competence. Moreover, customers using gas for electricity generation or industrial purposes may also have an important role to play in security of gas supply through their ability to respond to a crisis with demand-side measures. Therefore, in order to ensure the best coordination of measures to be taken under Regulation (EU) No 994/2010, the representative bodies of the industry concerned and those of relevant customers should participate actively in the work of the Gas Coordination Group.

(3) The Commission should, in consultation with the Member States, decide on the composition of the Group, ensuring it is fully representative and that a three-level approach is respected which involves first the relevant natural gas undertakings and industry, then Member States at national or regional level, and then the Union.

(4) The following bodies of the industry concerned should be considered to be representative:

— the representative European association of the storage system operators in the sense of Article 2(10) of Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC <sup>(2)</sup> and of LNG system operators in the sense of Article 2(12) of Directive 2009/73/EC,

— the European association of the gas supplying industry,

— the international association representing gas producers in Europe,

— the European association of gas traders.

(5) As for the relevant consumers, four main sectors consuming natural gas should be distinguished:

— the industrial sector,

— the power sector using gas as a fuel,

— the household sector,

— the district heating sector.

(6) The Gas Coordination Group should act as adviser to the Commission to facilitate the coordination of security of supply measures in the event of a Union or regional emergency. It is also the main body to be consulted by the Commission in the context of the establishment of the Preventive Action Plans and the Emergency Plans. The Gas Coordination Group should monitor the adequacy and appropriateness of measures to be taken under the Regulation (EU) No 994/2010 and exchange all information relevant for security of gas supply at national, regional and Union levels.

(7) Rules on disclosure of information by members of the group should be laid down.

<sup>(1)</sup> OJ L 295, 12.11.2010, p. 1.

<sup>(2)</sup> OJ L 211, 14.8.2009, p. 36.

(8) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup>.

(9) Decision 2006/791/EC should be repealed,

HAS DECIDED AS FOLLOWS:

#### Article 1

### Composition of the Gas Coordination Group ('the Group')

1. The Group shall be composed of the following members:

- (a) the Member States, in particular their Competent Authorities in the sense of Article 2(2) of the Regulation (EU) No 994/2010;
- (b) the Agency for the Cooperation of Energy Regulators ('the Agency');
- (c) the European Network of Transmission System Operators for Gas ('the ENTSO for Gas');
- (d) the Energy Community Secretariat;
- (e) Gas Infrastructure Europe (GIE) as the representative body of Storage System Operators and LNG System Operators;
- (f) Eurogas;
- (g) the International Association of the Oil and Gas Producers (OGP);
- (h) European Federation of Energy Traders (EFET);
- (i) the International Federation of Industrial Energy Consumers (IFIIEC Europe);
- (j) Eurelectric;
- (k) the European Consumers' Organisation (BEUC);
- (l) Euroheat & Power.

2. Each of the members shall nominate not more than two permanent representatives and two alternates to participate in the work of the Group. At least one of the permanent representatives nominated by the Member States shall be from the Competent Authority. One of the permanent representatives nominated by the Agency shall be the director. One of the permanent representatives nominated by ENTSO for Gas shall be the secretary-general. One of the permanent representatives nominated by the representative bodies of industry and customers shall be the general manager or the secretary-general.

3. If the Competent Authority is not a national regulatory authority, Member States shall ensure that there is sufficient exchange of information between the Competent Authority and the national regulatory authority concerning the activities of the Group.

4. During an emergency situation at Union, Member State or regional level, or in other exceptional situations, at the request of at least three Member States, the Commission may restrict participation in the Group, for an entire meeting or part thereof, to the representatives of the Competent Authorities and the Member States.

5. During an emergency situation at Union, Member State or regional level, or in other exceptional situations, the members of the Group may request the Commission to appoint more than two representatives from their competent authorities or other bodies to participate in the work of the Group.

6. The names of the members, as well as the names of members' permanent representatives and of the alternates of the members of the Group shall be published in the Register of Commission expert groups and other similar entities ('the Register') <sup>(2)</sup>.

7. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

#### Article 2

### Tasks of the Group

1. The Group is established to facilitate the coordination of measures concerning security of gas supply. The Group shall be consulted and shall assist the Commission in particular on the issues set out in Article 12(2) of Regulation (EU) No 994/2010:

- (a) security of gas supply, at any time and more specifically in the event of an emergency;
- (b) all information relevant for security of gas supply at national, regional and Union levels;
- (c) best practices and possible guidelines to all the parties concerned;
- (d) the level of security of supply, benchmarks and assessment methodologies;
- (e) national, regional and Union scenarios and testing the levels of preparedness;
- (f) the assessment of the Preventive Action Plans and the Emergency Plans and the implementation of the measures foreseen therein;

<sup>(2)</sup> Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.

(g) the coordination of measures to deal with an emergency within the Union, with third countries that are Contracting Parties to the Treaty establishing the Energy Community and with other third countries;

(h) assistance needed by the most affected Member States.

2. As set out in Article 11(2) of Regulation (EU) No 994/2010, the Commission shall convene the Gas Coordination Group as soon as it declares a Union or regional emergency.

### Article 3

#### Operation

1. The Group shall be chaired by a representative of the Commission ('the chairman').

2. As set out in Article 12(3) of Regulation (EU) No 994/2010, the Commission shall convene the Group on a regular basis and shall share the information received from the Competent Authorities whilst preserving the confidentiality of commercially sensitive information.

3. In agreement with the Commission services, the Group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the Group. Such sub-groups shall be disbanded as soon as their mandate is fulfilled.

4. The chairman may invite experts from outside the Group with specific competence in a subject on the agenda to participate in the work of the Group or sub-group on an ad hoc basis. In addition, the chairman may give an ad hoc or permanent observer status to other individuals or organisations if they may significantly contribute to the activities of the Group.

5. Information obtained by participating in the deliberations of the Group or a sub-group shall not be divulged if, in the opinion of the Commission or any other member of the Group, that information relates to confidential matters. Members of expert groups and their representatives, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC,

ECSC, Euratom <sup>(1)</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

6. The meetings of the Group and its sub-groups shall be held on Commission premises. The Commission shall provide secretarial support. Other Commission services and European External Action Service may be invited to the meetings of the Group and its sub-groups when directly concerned by the matters to be discussed.

7. The Group shall adopt its rules of procedure on the basis of the standard rules of procedure drawn up by the Commission.

8. Without prejudice to paragraph 6 of this Article, the Commission makes all relevant work documents available to the Group members via a collaborative workspace with partners of the European Union (CIRCA website) and publishes relevant information on the activities carried out by the Group either by including it in the Register or via a link from the Register to a dedicated website.

### Article 4

#### Meeting expenses

1. Participants in the activities of the Group shall not be remunerated for the services they render.

2. Travel expenses incurred by one representative of each Member State or its Competent Authority shall be reimbursed by the Commission. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

### Article 5

#### Repeal

Decision 2006/791/EC <sup>(2)</sup> is repealed.

Done at Brussels, 11 August 2011.

*For the Commission*

Günther OETTINGER

*Member of the Commission*

<sup>(1)</sup> SEC(2007) 639 of 25.6.2007.

<sup>(2)</sup> OJ L 319, 18.11.2006, p. 49-50.

## NOTICES FROM MEMBER STATES

**Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001**

(2011/C 236/10)

**Aid No:** SA.33090 (11/XA)**Member State:** France**Region:** France

**Title of aid scheme or name of company receiving an individual aid:** Aides de FranceAgriMer visant à encourager les produits de qualité dans le secteur des plantes à parfum, aromatiques et médicinales (PPAM).

**Legal basis:**

— articles L 621-1 et suivants du code rural et de la pêche maritime

— projet de décision du directeur général de FranceAgriMer

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** Annual overall amount of the budget planned under the scheme: EUR 0,15 million

**Maximum aid intensity:** 100 %**Date of implementation:** —

**Duration of scheme or individual aid award:** 4 August 2011-30 June 2016

**Objective of aid:** Production of quality agricultural products (Article 14 of Regulation (EC) No 1857/2006)

**Sector(s) concerned:** Growing of spices, aromatic, drug and pharmaceutical crops, Growing of other perennial crops

**Name and address of the granting authority:**

Le directeur de FranceAgriMer  
FranceAgriMer  
12 rue Henri Rol Tanguy  
TSA 20002  
93555 Montreuil sous Bois Cedex  
FRANCE

**Website:**

<http://www.franceagrimer.fr/Projet-02/05aides/ppam-0511/qualite-pj-text-BUE.pdf>

**Other information:** —**Aid No:** SA.33286 (11/XA)**Member State:** Luxembourg**Region:** Luxembourg (Grand-Duché)

**Title of aid scheme or name of company receiving an individual aid:** Investissement dans les exploitations agricoles

**Legal basis:**

Règlement (CE) n° 1857/2006 de la Commission du 15 décembre 2006 concernant l'application des articles 87 et 88 du traité aux aides d'État accordées aux petites et moyennes entreprises actives dans la production de produits agricoles et modifiant le règlement (CE) n° 70/2001.

Loi du 18 avril 2008 concernant le renouvellement du soutien au développement rural et notamment les articles 3 à 8.

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** Annual overall amount of the budget planned under the scheme: EUR 32,40 million

**Maximum aid intensity:** 55 %**Date of implementation:** —

**Duration of scheme or individual aid award:** 3 August 2011-31 December 2013

**Objective of aid:** Investment in agricultural holdings (Article 4 of Regulation (EC) No 1857/2006)

**Sector(s) concerned:** Crop and animal production, hunting and related service activities

**Name and address of the granting authority:**

Ministère de l'agriculture, de la viticulture et du développement rural  
Service juridique/Aides d'État  
1, rue de la Congrégation  
2913 Luxembourg  
LUXEMBOURG

**Website:**

<http://www.legilux.public.lu/leg/a/archives/2008/0067/a067.pdf#page=2>

**Other information:** —



**Aid No:** SA.33288 (11/XA)

**Member State:** Luxembourg

**Region:** Luxembourg (Grand-Duché)

**Title of aid scheme or name of company receiving an individual aid:** Indemnisations pour les exploitations agricoles touchées par la sécheresse.

**Legal basis:**

Règlement (CE) n° 1857/2006 de la Commission du 15 décembre 2006 concernant l'application des articles 87 et 88 du traité aux aides d'État accordées aux petites et moyennes entreprises actives dans la production de produits agricoles et modifiant le règlement (CE) n° 70/2001.

Décision du Conseil de gouvernement du 22 juin 2011

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** Annual overall amount of the budget planned under the scheme: EUR 5 million

**Maximum aid intensity:** 90 %

**Date of implementation:** —

**Duration of scheme or individual aid award:** 4 August 2011-31 December 2013

**Objective of aid:** Adverse climatic events (Article 11 of Regulation (EC) No 1857/2006)

**Sector(s) concerned:** Growing of non-perennial crops

**Name and address of the granting authority:**

Ministère de l'agriculture, de la viticulture et du développement rural  
Service juridique/Aides d'État  
1, rue de la Congrégation  
2913 Luxembourg  
LUXEMBOURG

**Website:**

[http://www.ma.public.lu/aides\\_financieres/aides\\_nationales/index.html](http://www.ma.public.lu/aides_financieres/aides_nationales/index.html)

**Other information:** —

**Aid No:** SA.33416 (11/XA)

**Member State:** Czech Republic

**Region:** Czech Republic

**Title of aid scheme or name of company receiving an individual aid:** „Splátkový režim pro zemědělskou prvovýrobu“ k poskytování podpory dle nařízení Komise (ES) č. 1857/2006

**Legal basis:**

- 1) Zákon č. 92/1991 Sb., o podmínkách převodu majetku státu na jiné osoby, ve znění pozdějších předpisů
- 2) Prováděcí pokyn Pozemkového fondu České republiky k poskytování podpory dle nařízení Komise (ES) č. 1857/2006 „Splátkový režim pro zemědělskou prvovýrobu“

**Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:** Annual overall amount of the budget planned under the scheme: CZK 950 million

**Maximum aid intensity:** 40 %

**Date of implementation:** —

**Duration of scheme or individual aid award:** 4 August 2011-31 December 2015

**Objective of aid:** Investment in agricultural holdings (Article 4 of Regulation (EC) No 1857/2006)

**Sector(s) concerned:** Crop and animal production, hunting and related service activities

**Name and address of the granting authority:**

Pozemkový fond České republiky  
Husinecká 1024/11a  
130 00 Praha 3  
ČESKÁ REPUBLIKA

URL: <http://www.pfcr.cz>

**Website:**

<http://www.pfcr.cz/pfcr/page.aspx?OdkazyID=987>

**Other information:** —



**Winding-up proceedings****Decision to open winding-up proceedings in respect of LEX LIFE & PENSION SA**

*(Publication in accordance with Article 14 of Directive 2001/17/EC of the European Parliament and of the Council on the reorganisation and winding-up of insurance undertakings)*

(2011/C 236/11)

Insurance undertaking	LEX LIFE & PENSION SA established and with registered office at 2-4, rue Beck 1222 Luxembourg LUXEMBOURG
Date, entry into force and nature of the decision	Commercial judgment No 790/2011 of 13 July 2011 winding up LEX LIFE & PENSION SA Entry into force: 13 July 2011
Competent authority	Tribunal d'arrondissement de Luxembourg Cité judiciaire Bâtiment TL, CO, TJ 2080 Luxembourg LUXEMBOURG
Supervisory authority	Commissariat aux assurances 7, boulevard Royal 2449 Luxembourg LUXEMBOURG
Liquidator appointed	Maître Alain RUKAVINA 10A, boulevard de la Foire 1528 Luxembourg LUXEMBOURG BP 660 (L-2016)
Applicable law	Luxembourg law Articles 58 and 60 of the amended Act of 6 December 1991 on the insurance sector, Articles 141, 144, 146, 147 and 149 of the Act of 10 August 1915 on commercial enterprises, and Articles 444, 447, 448, 449, 450, 451, 452, 453, 454, 463, 464, 465-1, 3 and 5, 485, 487, 492, 499 paragraph 2, 528, 537, 538, 539, 540, 542, 543, 544, 547, 548, 549, 550, 551, 552, 561, 562 and 567-1 of the Commercial Code, 'Bankruptcy' title

**EU-27 ethyl alcohol balance for 2010***(Established on 7 July 2011 in accordance with Article 2 of Regulation (EC) No 2336/2003)**(2011/C 236/12)*

<b>EU-27 ethyl alcohol balance for 2010</b> <i>(Established on 7 July 2011 in accordance with Article 2 of Regulation (EC) No 2336/2003 <sup>(1)</sup>)</i>		Hectolitres of pure alcohol (HPA)	
1.	Initial stock — Agricultural origin — Non-agricultural origin	— 9 311 119 —	
2.	Production — Agricultural origin — Non-agricultural origin	— 55 135 250 —	
3.	Imports <sup>(2)</sup> <sup>(3)</sup> — 0 % Duty — Reduced duty — 100 % duty	4 023 966 1 937 944 — 2 086 022	
4.	Total resources	68 470 335	
5.	Exports	659 044	
6.	Internal consumption	57 265 208	
		Agricultural origin	Non-agricultural origin
	Food use	8 946 266	
	Industrial use	7 616 635	
	Fuel <sup>(3)</sup>	38 963 604	
	Other	1 738 703	
	Total	57 265 208	
7.	Final stock — Agricultural origin — Non-agricultural origin	— 10 546 083 —	

<sup>(1)</sup> Commission Regulation (EC) No 2336/2003 of 30 December 2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin (OJ L 346, 31.12.2003, p. 19).

<sup>(2)</sup> Includes only products under codes CN 2207 10, CN 2207 20, CN 2208 90 91 and CN 2208 90 99.

<sup>(3)</sup> 7,3 million HPA under CN 3824 90 99 and 2,4 million HPA of ETBE under CN 2909 19 10 utilised to produce fuel have been excluded.

Sources: Communications from the Member States/Eurostat COMEXT.

## V

*(Announcements)*

## ADMINISTRATIVE PROCEDURES

## EUROPEAN COMMISSION

**The SESAR Joint Undertaking**

(2011/C 236/13)

The SESAR Joint Undertaking (the 'SJU') issued a call for proposals to become 'Associate Partners of the SJU' ref. SJU/LC/0055-CFP (OJ C 76, 10.3.2011, p. 15) on 1 February 2011. The call was exclusively addressed to SMEs, research organisations, universities, and institutes of higher education. The closing date for reception of the offers was initially set on 31 March 2011 and postponed to 4 May 2011.

The call for proposals was divided into six lots: lot 1 — Information management; lot 2 — Network & airport collaboration; lot 3 — Technical service management; lot 4 — Airborne & CNS systems; lot 5 — Modelling support to validation; lot 6 — UAV/UAS integration in SESAR.

Following the assessment of the proposals received in response to this open call for proposals and the endorsement of the SJU Executive Director's recommendation by the Administrative Board on 1 July 2011, Framework Partnership Agreements have been awarded exclusively for lots 1, 2, 4, 5 and 6 with the two entities having received the highest scores for each of these lots, as follows:

## LOT 1:

MOSIA Consortium  
AT-ONE Consortium

## LOT 2:

OPTPROMISE Consortium  
ACSES Consortium

## LOT 4:

MAGNITUDE Consortium  
AT-ONE Consortium

## LOT 5:

INNOVATE Consortium  
VERITAS Consortium

## LOT 6:

ATM-FUSION Consortium  
AT-ONE Consortium

For more information, please, refer to the SJU website: <http://www.sesarju.eu>

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## PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

### EUROPEAN COMMISSION

#### Notice of initiation of an anti-dumping proceeding concerning imports of certain aluminium radiators originating in the People's Republic of China

(2011/C 236/14)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> ('the basic Regulation'), alleging that imports of certain aluminium radiators originating in the People's Republic of China, are being dumped and are thereby causing material injury to the Union industry.

#### 1. Complaint

The complaint was lodged on 30 June 2011 by the International Association of Aluminium Radiator Manufacturers Limited Liability Consortium (AIRAL S.c.r.l) ('the complainant') on behalf of producers representing a major proportion, in this case more than 25 % of the total Union production of certain aluminium radiators.

#### 2. Product under investigation

The product subject to this investigation is aluminium radiators and elements or sections of which such radiator is composed, whether or not such elements or sections are assembled in blocks, excluding radiators and elements and sections thereof of the electrical type ('the product under investigation').

#### 3. Allegation of dumping <sup>(2)</sup>

The product allegedly being dumped is the product under investigation, originating in the People's Republic of China ('the country concerned'), currently falling within CN codes ex 7616 99 10, ex 7615 19 10, ex 7615 19 90 and ex 7616 99 90. These CN codes are given for information only.

Since, in view of the provisions of Article 2(7) of the basic Regulation, the People's Republic of China is considered to be

a non-market economy country, the complainant established normal value for the imports from the People's Republic of China on the basis of the price in a market economy third country, namely Russia. The allegation of dumping is based on a comparison of the normal value thus established with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

On this basis the dumping margins calculated are significant for the country concerned.

#### 4. Allegation of injury

The complainant has provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms and have increased in terms of market share.

The *prima facie* evidence provided by the complainant shows that the volume and the prices of the imported product under investigation have, among other consequences, had a negative impact on the quantities sold and the level of prices charged by the Union industry, resulting in substantial adverse effects on the overall performance, the financial situation and the employment situation of the Union industry.

#### 5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

The investigation will determine whether the product under investigation originating in country concerned is being dumped and whether this dumping has caused injury to the Union industry. If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Dumping is the practice of selling a product for export ('the product concerned') at a price below its 'normal value'. The normal value is usually taken to be a comparable price for the 'like' product on the domestic market of the country concerned. The term 'like product' is interpreted to mean a product which is alike in all respects to the product concerned or, in the absence of such a product, a product which closely resembles the product.

## 5.1. Procedure for the determination of dumping

Exporting producers<sup>(3)</sup> of the product under investigation from the country concerned are invited to participate in the Commission investigation.

### 5.1.1. Investigating exporting producers

#### 5.1.1.1. Procedure for selecting exporting producers to be investigated in the country concerned

##### (a) Sampling

In view of the potentially large number of exporting producers in the country concerned involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the following information on their company or companies:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the turnover in local currency and the volume in elements of the product under investigation sold for export to the Union during the investigation period ('IP') (1 July 2010-30 June 2011) for each of the 27 Member States<sup>(4)</sup> separately and in total,
- the turnover in local currency and the volume in elements of the product under investigation sold on the domestic market during the IP (1 July 2010-30 June 2011),
- the precise activities of the company worldwide with regard to the product under investigation,

<sup>(3)</sup> An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via third party, including any of its related companies involved in the production, domestic sales or exports of the product concerned.

<sup>(4)</sup> The 27 Member States of the European Union are: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

- the names and the precise activities of all related companies<sup>(5)</sup> involved in the production and/or sales (export and/or domestic) of the product under investigation,

- any other relevant information that would assist the Commission in the selection of the sample.

The exporting producers should also indicate whether, in the event that they are not selected to be in the sample, they would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual dumping margin in accordance with section (b) below.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response ('on-spot verification'). If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that party than if it had cooperated.

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of the country concerned and may contact any known associations of exporting producers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers,

<sup>(5)</sup> In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

All exporting producers selected to be in the sample will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

The completed questionnaire will contain information on, *inter alia*, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production, the sales of the product under investigation on the domestic market of the country concerned and the sales of the product under investigation to the Union.

Companies that had agreed to their possible inclusion in the sample but were not selected to be in the sample shall be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to section (b) below, the anti-dumping duty that may be applied to imports from the non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample <sup>(6)</sup>.

(b) Individual dumping margin for companies not included in the sample

Non-sampled cooperating exporting producers may request, pursuant to Article 17(3) of the basic Regulation, that the Commission establish their individual dumping margins ('individual dumping margin'). The exporting producers wishing to claim an individual dumping margin must request a questionnaire and other claim forms in accordance with section (a) above and return them duly completed within the deadlines specified in the following sentence and in section 5.1.2.2 below. The completed questionnaire reply must be submitted within 37 days of the date of the notification of the sample selection, unless otherwise specified. It must be underlined that, in order for the Commission to be able to establish individual dumping margins for those exporting producers in the non-market economy country, it must in principle be proven that they fulfil the criteria for being granted market economy treatment ('MET') or at least individual treatment ('IT') as specified in section 5.1.2.2 below <sup>(7)</sup>. Moreover, exporting

producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

5.1.2. Additional procedure with regard to exporting producers in the non-market economy country concerned

5.1.2.1. Selection of a Market Economy Third Country

Subject to the provisions of section 5.1.2.2 below, in accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the country concerned normal value shall be determined on the basis of the price or constructed value in a market economy third country. For this purpose the Commission shall select an appropriate market economy third country. The Commission has provisionally chosen Russia. Interested parties are hereby invited to comment on the appropriateness of this choice within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.1.2.2. Treatment of exporting producers in the non-market economy country concerned <sup>(8)</sup>

In accordance with Article 2(7)(b) of the basic Regulation, individual exporting producers in the country concerned, which consider that market economy conditions prevail for them in respect of the manufacture and sale of the product under investigation, may submit a properly substantiated claim to this effect ('MET claim'). Market economy treatment ('MET') will be granted if the assessment of the MET claim shows that the criteria laid down in Article 2(7)(c) of the basic Regulation <sup>(9)</sup> are fulfilled. The dumping margin of the exporting producers

<sup>(6)</sup> Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation shall be disregarded.

<sup>(7)</sup> However, notwithstanding the above, the Commission invites all exporting producers considering to apply for individual examination in the sense of Article 17(3) of the basic Regulation to fully cooperate and participate in the investigation with a view to obtaining an individual dumping margin and an individual anti-dumping duty, even if they consider that they may not meet neither the criteria for being granted MET nor those for being granted IT. In such situations, the Commission will gather information in the light of the considerations expressed by the Appellate Body of the World Trade Organization in its report in DS 397 (EC-Fasteners), in particular points 371-384 thereof (see <http://www.wto.org>). However, the fact that the Commission gathers this information does not prejudice whether and which consequences the European Union will attach to that ruling in this investigation.

<sup>(8)</sup> Notwithstanding the fact that in this subparagraph only the possibility to claim MET or IT are mentioned, the Commission invites all exporting producers to fully co-operate and participate in the investigation with a view to obtaining an individual dumping margin and an individual anti-dumping duty, even if they consider that they may not meet neither the criteria for being granted MET nor those for being granted IT. In such situations, the Commission will gather information in the light of the considerations expressed by the Appellate Body of the World Trade Organization in its report in DS 397 (EC-Fasteners), in particular points 371-384 thereof. (See <http://www.wto.org>). However, the fact that the Commission gathers this information does not prejudice whether and which consequences the European Union will attach to that ruling in this investigation.

<sup>(9)</sup> The exporting producers have to demonstrate in particular that: (i) business decisions and costs are made in response to market conditions and without significant State interference; (ii) firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes; (iii) there are no significant distortions carried over from the former non-market economy system; (iv) bankruptcy and property laws guarantee legal certainty and stability and (v) exchange rate conversions are carried out at market rates.



granted MET will be calculated, to the extent possible and without prejudice to the use of facts available pursuant to Article 18 of the basic Regulation, by using their own normal value and export prices in accordance with Article 2(7)(b) of the basic Regulation.

Individual exporting producers in the country concerned may also, or as an alternative, claim individual treatment ('IT'). To be granted IT these exporting producers must provide evidence that they fulfil the criteria set out in Article 9(5) of the basic Regulation<sup>(10)</sup>. The dumping margin of the exporting producers granted IT will be calculated on the basis of their own export prices. The normal value for exporting producers granted IT will be based on the values established for the market economy third country selected as outlined above.

(a) Market economy treatment (MET)

The Commission will send MET claim forms to all the exporting producers in the country concerned selected to be in the sample and to non-sampled cooperating exporting producers that wish to apply for an individual dumping margin, to any known association of exporting producers, as well as to the authorities of the country concerned.

All exporting producers claiming MET should submit a completed MET claim form within 21 days of the date of the notification of the sample selection or of the decision not to select a sample, unless otherwise specified.

(b) Individual treatment (IT)

To apply for IT, exporting producers in the country concerned selected to be in the sample and non-sampled cooperating exporting producers that wish to apply for an individual dumping margin should submit the MET claim form with the sections relevant for IT duly completed within 21 days of the date of the notification of sample selection, unless otherwise specified.

(c) Requests for an individual dumping margin by exporters claiming neither MET nor IT

To claim an individual dumping margin even though they do not claim MET nor IT, exporting producers in the country concerned selected to be in the sample and non-sampled cooperating exporting producers that wish to apply for an individual dumping margin should submit the

relevant claim form within 21 days of the date of the notification of sample selection, unless otherwise specified.

5.1.3. Investigating unrelated importers<sup>(11)</sup> <sup>(12)</sup>

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties should do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the following information on their company or companies:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the precise activities of the company with regard to the product under investigation,
- total turnover during the period 1 July 2010-30 June 2011,
- the volume in elements and value in EUR of imports into and resales made on the Union market during the period 1 July 2010-30 June 2011 of the imported product under investigation originating in the country concerned,
- the names and the precise activities of all related companies<sup>(13)</sup> involved in the production and/or sales of the product under investigation,
- any other relevant information that would assist the Commission in the selection of the sample.

<sup>(10)</sup> The exporting producers have to demonstrate in particular that: (i) in the case of wholly or partly foreign owned firms or joint ventures, exporters are free to repatriate capital and profits; (ii) export prices and quantities and conditions and terms of sale are freely determined; (iii) the majority of the shares belong to private persons. State officials appearing on the Board of Directors or holding key management positions shall either be in a minority or it must be demonstrated that the company is nonetheless sufficiently independent from State interference; (iv) exchange rate conversions are carried out at the market rate and (v) State interference is not such as to permit circumvention of measures if individual exporters are given different rates of duty.

<sup>(11)</sup> Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. For the definition of a related party see footnote 5.

<sup>(12)</sup> The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

<sup>(13)</sup> For the definition of a related party see footnote 5.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response ('on-spot verification'). If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that party than if it had cooperated.

In order to obtain the information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The completed questionnaire will contain information on, *inter alia*, the structure of their company(ies), the activities of the company(ies) in relation to the product under investigation and on the sales of the product under investigation.

## 5.2. Procedure for the determination of injury

Injury means material injury to the Union industry, or threat of material injury to the industry, or material retardation of the establishment of such an industry. A determination of injury is based on positive evidence and involves an objective examination of the volume of the dumped imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is materially injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

### 5.2.1. Investigating Union producers

In view of the large number of Union producers involved in this proceeding and in order to complete the investigation within the set time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in section 5.6 below). Other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample should contact the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

All interested parties wishing to submit any other relevant information regarding the selection of the sample must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The completed questionnaire will contain information on, *inter alia*, the structure of their company(ies), the financial situation of the company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production and the sales of the product under investigation.

## 5.3. Procedure for the assessment of Union interest

Should the existence of dumping and injury caused thereby be established, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether the adoption of anti-dumping measures would be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.



#### 5.4. *Other written submissions*

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence should reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

#### 5.5. *Possibility to be heard by the Commission investigation services*

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard should be submitted within the specific deadlines set by the Commission in its communication with the parties.

#### 5.6. *Instructions for making written submissions and sending completed questionnaires and correspondence*

All written submissions, including the information requested in this notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' <sup>(14)</sup>.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

For this investigation, the Commission will use an electronic document management system. Interested parties are required to make all submissions and requests in electronic format (the non-confidential submissions via e-mail, the confidential ones on CD-R/DVD), and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying MET and IT claim forms, questionnaire replies or any updates thereof, shall be submitted on paper, i.e. by post or by hand, at the address below. Pursuant to Article 18(2) of the basic Regulation if an interested party

<sup>(14)</sup> A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009 p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

cannot provide its submissions and requests in electronic format, it must immediately inform the Commission. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate H  
Office: N105 04/092  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

Fax +32 22956505  
E-mail: [trade-radiators-dumping@ec.europa.eu](mailto:trade-radiators-dumping@ec.europa.eu); [trade-radiators-injury@ec.europa.eu](mailto:trade-radiators-injury@ec.europa.eu)

#### 6. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

#### 7. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer of Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among others, to dumping, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: [http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index\\_en.htm](http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm)

#### **8. Schedule of the investigation**

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the

publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Union*.

#### **9. Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(15)</sup>.

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<sup>(15)</sup> OJ L 8, 12.1.2001, p. 1.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

**European Commission**

2011/C 236/14

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