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Price:
EUR 3⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

OPINIONS

COUNCIL

RESOLUTION OF THE COUNCIL

of 10 June 2011

on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings

(2011/C 187/01)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

(1) The active protection of victims of crime is a high priority for the European Union and its Member States. In the European Union, the Charter of Fundamental Rights (the 'Charter') and the Convention for the Protection of Human Rights and Fundamental Freedoms (the 'Convention'), to which all Member States are parties, calls on States to actively protect victims of crime.

(2) The European Union has successfully established an area of freedom of movement and residence, from which citizens benefit by increasingly travelling, studying and working in countries other than that of their residence. However, the removal of internal borders and the increasing exercise of the rights to freedom of movement and residence have led as an inevitable consequence to an increase in the number of people who become victims of a criminal offence and become involved in criminal proceedings in a Member State other than that of their residence.

(3) This calls for specific action in order to establish a common minimum standard of protection of victims of crime and their rights in criminal proceedings throughout the Union. Such action, which may include legislation as well as other measures, will enhance citizens' confidence that the European Union and its Member States will protect and guarantee their rights.

(4) In the Stockholm programme — An open and secure Europe serving the citizen⁽¹⁾, the European Council stressed the importance to provide special support and legal protection to those who are most vulnerable or find themselves in particularly exposed situations, such as persons subjected to repeated violence in close relationships, victims of gender-based violence, or persons who fall victim to other types of crimes in a Member State of which they are not nationals or residents. In line with the Council conclusions on a strategy to ensure fulfilment of the rights of, and improve support for, persons who fall victims of crime⁽²⁾, the European Council has urged to take an integrated and coordinated approach to victims. As a step in responding to the Stockholm programme, the European Commission has proposed a package of measures on victims of crime including a Directive on the rights, support and protection of victims of crime⁽³⁾ as well as a Regulation on the mutual recognition of protection measures in civil matters⁽⁴⁾.

(5) In the light of the considerable progress made pursuant to the Roadmap for strengthening procedural rights of the suspected or accused persons in criminal proceedings⁽⁵⁾, the Council considers that a similar approach should be adopted in the field of the protection of the victims of crime.

⁽¹⁾ OJ C 115, 4.5.2010, p. 1; see point 2.3.4.

⁽²⁾ Adopted at the 2969th Justice and Home Affairs Council meeting in Luxembourg, 23 October 2009.

⁽³⁾ 10610/11 DROIPEN 45 JUSTCIV 141 ENFOPOL 165 DATA-PROTECT 58 SOC 434 FREMP 59 CODEC 887 (COM(2011) 275 final of 18 May 2011).

⁽⁴⁾ 10613/11 JUSTCIV 143 COPEN 123 CODEC 889 (COM(2011) 276 final of 18 May 2011).

⁽⁵⁾ Resolution of the Council of 30 November 2009 (2009/C 295/01) (OJ C 295, 4.12.2009, p. 1).

- (6) Action in this field is specifically contemplated as part of the process to implement the principle of mutual recognition as founding principle of the creation of a true area of freedom, security and justice: indeed, Article 82(2)(c) TFEU provides that the Union may, by means of directives, establish minimum rules on the rights of victims of crime when necessary to facilitate mutual recognition of judgements and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension.
- (7) The question of the role of victims in criminal proceedings has been already addressed at the level of the Union through Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings. However, more than 10 years have passed since the approval of that instrument, and the progress made in the creation of the area of freedom, security and justice, as well as the remaining issues of implementation in the area of victims' rights, require that the Union review and enhance the contents of the Framework Decision, also in the light of the Commission's findings with respect to the implementation and application of the instrument ⁽¹⁾.
- (8) Existing mechanisms to ensure that crime victims may be awarded fair and appropriate compensation for the damages suffered, such as that provided for by Council Directive 2004/80/EC of 29 April 2004 relating to crime victims, should also be reviewed and if necessary improved, in order to enhance their operability and contributing to complementing the instruments for the protection of victims.
- (9) In addition, a mechanism should be created to ensure mutual recognition among Member States of decisions concerning protection measures, along the lines drawn by the Commission proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters. This mechanism should complete the one envisaged by the Directive of the European Parliament and of the Council on the European protection order, concerning mutual recognition of protection measures adopted in criminal matters, currently under discussion. The provisions set out in both proposals should not establish obligations to modify national systems for protection measures, but leave it to the Member States to decide according to which system they may issue or execute protection measures.
- (10) Bearing in mind the importance and complexity of these issues, it seems appropriate to address them in a step-by-step approach, whilst ensuring overall consistency balance. By addressing future actions, one area at a time, focused attention can be paid to each individual measure, so as to enable problems to be identified and addressed in a way that will give added value to each measure.
- (11) Particular attention should be given to the process of implementation of legislative instruments in this field. Practical measures and best practices could be gathered in a non-binding legal instrument, such as a recommendation, in order to help and inspire Member States in the process of implementation.
- (12) In addressing the necessary measures for enhancing the protection of victims, due account should be taken of the principles such as those contained in Recommendation Rec(2006)8 of the Committee of Ministers of the Council of Europe on assistance to crime victims. The Union should especially take into account the standards set out in the Council of Europe Convention on preventing and combating violence against women and domestic violence adopted by the Committee of Ministers of the Council of Europe on 7 April 2011.
- (13) The list of measures in the Annex to this document should be considered indicative, addressing only a first group of measures to be dealt with as a matter of priority. Further measures, both legislative and non-legislative, as well as practical measures may be proposed in the future if deemed appropriate, also in the light of the on-going process of approval and implementation of the legal acts contemplated in this Roadmap,

HEREBY ADOPTS THE FOLLOWING RESOLUTION:

⁽¹⁾ See Report from the Commission on the basis of Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (COM(2004) 54 final/2 of 16 February 2004); Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) (COM(2009) 166 final of 20 April 2009); Impact Assessment accompanying the Commission proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime (SEC(2011) 780 final of 18 May 2011).

1. Action should be taken at the level of the European Union in order to strengthen the rights and protection of victims of crime, in particular in the course of criminal proceedings. Such action may include legislation as well as other measures.

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2. The Council welcomes the European Commission's proposal for a package of measures on victims of crime, and invites the Commission to submit proposals regarding the measures set out in the Roadmap.
 3. The Council endorses the 'Roadmap for strengthening the rights and protection of victims of crime' (hereinafter referred to as 'the Roadmap'), set out in the Annex to this Resolution, as the basis for future action. The measures included in the Roadmap, which could be complemented by other measures, should be given priority.
 4. The Council will examine all proposals presented in the context of the Roadmap and intends to deal with them as matters of priority.
 5. The Council will act in full cooperation with the European Parliament, in accordance with the applicable rules.
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ANNEX

ROADMAP FOR STRENGTHENING THE RIGHTS AND PROTECTION OF VICTIMS, IN PARTICULAR IN CRIMINAL PROCEEDINGS

The order of the measures indicated below is indicative. Explanations provided in relation to each measure merely serve as an indication of the proposed action, and do not aim to regulate the precise scope and content of the measure concerned. This Roadmap supports and builds on the European Commission's proposals for a package of measures on victims of crime.

General principles

Action at the level of the Union directed at strengthening the rights and protection of victims should aim at introducing common minimum standards and at attaining, among others, the following general objectives:

1. establish adequate procedures and structures to respect the dignity, personal and psychological integrity as well as the privacy of the victim in criminal proceedings;
2. enhance the access to justice by victims of crime, also by fostering the role of victim support services;
3. design adequate procedures and structures aimed at preventing secondary and repeat victimisation;
4. encourage the provision of interpretation and translation for the victim within criminal proceedings;
5. where appropriate, encourage victims to participate actively in criminal proceedings;
6. strengthen the right of victims and of their legal counsel to receive timely information about the proceedings and their outcomes;
7. encourage the recourse to restorative justice and alternative dispute resolution methods taking into account the interest of the victim;
8. pay special attention to children, as part of the most vulnerable group of victims, and always keep in mind the best interest of the child;
9. ensure that Member States provide training, or encourage the provision of training, to all relevant professionals;
10. ensure that the victim may be awarded compensation as appropriate.

When fostering the rights of victims in criminal proceedings the Union shall be mindful of the fundamental elements of national criminal law systems and duly take into account the rights and interests of all parties involved, as well as the general aim of the criminal proceedings.

The pursuit of these objectives should comprise the measures set out below, as well as any other measure which may prove appropriate in the course of the implementation of existing legislation.

Measure A: A Directive replacing Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings

Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings was an important step in setting up a comprehensive approach to the protection of victims of crime in the EU. However, 10 years after its approval, it is necessary to revise and supplement the principles set out in the Framework Decision and to take significant steps forward in the level of protection of victims throughout the EU, in particular in the framework of criminal proceedings. To this end, the Commission has presented on 18 May 2011 a proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime. The Council commits itself to examining this proposal as a matter of priority, also in the light of the general principles set out above.

Measure B: Recommendation or recommendations on practical measures and best practices in relation to the Directive set out in Measure A

Once the comprehensive, binding legal instrument referred to under Measure A has been approved, the Commission is invited, as soon as practicable, to complement this with a proposal (or proposals) for a Recommendation which should act as guidance and a model for Member States to facilitate their implementation of the Directive, building on the

principles provided for by the Directive. This Recommendation should take stock of the existing best practices among Member States in the field of assistance and protection to victims of crime, building on them within the framework of the applicable legislative instruments.

The Recommendation should take into account the best practices on the question of the protection of victims, including those established by non-governmental organisations as well as those by institutions other than the European Union, such as the Recommendation Rec(2006)8 of the Committee of Ministers of the Council of Europe on assistance to crime victims, and address areas such as those covered by Measure A.

Measure C: A Regulation on mutual recognition of protection measures for victims taken in civil matters

The Commission has presented, on 18 May 2011, a proposal for a Regulation on mutual recognition of protection measures in civil matters to complete the mechanism for mutual recognition envisaged in the Directive of the European Parliament and of the Council on the European Protection Order, currently under discussion. This Directive envisages to provide for mutual recognition of decisions taken in criminal matters by a judicial or equivalent authority to protect the victim of crime from further danger which might be caused by the alleged offender. A similar mechanism is envisaged for the mutual recognition of protection measures taken in civil matters. The Council commits itself to examining this proposal as a matter of priority, also in the light of the general principles set out above.

Measure D: Review of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims

In the light of the conclusions drawn from its report on the application of Council Directive 2004/80/EC and any further analysis, the Commission is invited to review the Compensation Directive, in particular whether existing procedures for the victim to request compensation should be revised and simplified, and to present any appropriate legislative or non-legislative proposals in the area of compensation of victims of crime.

Measure E: Specific needs of victims

In the general legal act envisaged under Measure A general rules will be contained, applying to all victims of crimes who are in need of assistance, support and protection in relation to criminal proceedings relative to the crime to which they have fallen victim. This legal act will also contain general rules for all kinds of vulnerable victims.

Some victims have specific needs based on the type or on the circumstances of crime they are victim of, given the social, physical and psychological repercussions of these crimes, such as victims of trafficking in human beings, children victims of sexual exploitation, victims of terrorism and victims of organised crime. Their special needs could be addressed in specific legislation dealing with the fight against these types of crime.

On the other hand, some victims of crime are in need of special support and assistance due to their personal characteristics, to be evaluated on a case-by-case basis. In this respect, children should always be considered particularly vulnerable.

The Commission is invited, in the context of its control of the implementation of the legislative instruments mentioned above and any others addressing specific areas of crime, and after having evaluated their practical operation once the period for implementation has expired, to propose through recommendations practical measures and suggest best practices to provide guidance to Member States in the process of dealing with the specific needs of victims.

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 187/02)

Date of adoption of the decision	15.9.2010
Reference number of State Aid	N 671/A/09
Member State	Slovakia
Region	—
Title (and/or name of the beneficiary)	Prechod na digitálne televízne vysielanie v Slovenskej republike – Koncové zariadenie pre sociálne znevýhodnene osoby
Legal basis	zákon č. 523/2004 Z. z. o rozpočtových pravidlách verejnej správy a o zmene a doplnení niektorých zákonov, v znení neskorších predpisov; zákon č. 231/1999 Z. z. o štátnej pomoci v znení neskorších predpisov; výnos MDPT SR o poskytovaní dotácií na podporu prechodu na digitálne televízne vysielanie v Slovenskej republike
Type of measure	Aid scheme
Objective	Social support to individual consumers
Form of aid	Direct grant
Budget	Overall budget: EUR 10 625 700 million
Intensity	100 %
Duration (period)	Until 1.7.2013
Economic sectors	Media
Name and address of the granting authority	Ministerstvo dopravy, pôšt a telekomunikácií Slovenskej republiky Námestie Slobody 6 PO Box 100 810 05 Bratislava SLOVENSKO/SLOVAKIA
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

Date of adoption of the decision	15.12.2010
Reference number of State Aid	N 402/10
Member State	Bulgaria
Region	—
Title (and/or name of the beneficiary)	Помощ за оздравяване на „Български държавни железници“ ЕАД Pomosht za ozdravjavane na „Bylgarski dyrzhavni zheleznici“ EAD
Legal basis	Закон за държавния бюджет на Република България за 2011 г. Zakon za dyrzhavnia bjudzheta na Republika Bylgaria za 2011 g.
Type of measure	Individual aid
Objective	Rescue of firms in difficulty
Form of aid	Rescue aid loan, Guarantee
Budget	Overall budget: BGN 248,6 million
Intensity	100 %
Duration (period)	15.12.2010-15.6.2011
Economic sectors	Railways
Name and address of the granting authority	Министерство на транспорта, информационните технологии и съобщенията ул. „Дякон Игнатий“ № 9 1000 София БЪЛГАРИЯ Ministerstvo na transporta, informacionnite tehnologii i syobshteniata Ul. „Djakon Ignatij“ No 9 1000 Sofia BULGARIA
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

Date of adoption of the decision	24.5.2011
Reference number of State Aid	N 484/10
Member State	Germany

Region	Sachsen
Title (and/or name of the beneficiary)	Zuwendungen an KMU nach erfolgreicher Überwindung einer Krisensituation
Legal basis	§§ 23, 44 der Haushaltsordnung des Freistaates Sachsen
Type of measure	Aid scheme
Objective	Small and medium-sized enterprises
Form of aid	—
Budget	—
Intensity	—
Duration (period)	1.1.2011-31.12.2011
Economic sectors	All sectors
Name and address of the granting authority	Sächsische Aufbaubank Pirnaische Straße 9 01069 Dresden DEUTSCHLAND
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

Date of adoption of the decision	19.4.2011
Reference number of State Aid	SA.322266 (11/N)
Member State	Spain
Region	Basque country
Title (and/or name of the beneficiary)	Ayuda para fomentar el euskera en los centros de trabajo
Legal basis	Proyecto de Orden de ... de ... de 2011, de la Consejera de Cultura, por la que se regula la concesión de subvenciones para fomentar el uso y la presencia del euskera en los centros de trabajo de entidades del sector privado y en corporaciones de derecho público ubicados en la CAV durante el año 2011 (LANHITZ)
Type of measure	Aid scheme
Objective	Culture
Form of aid	Direct grant
Budget	Annual budget: EUR 2,4 million Overall budget: EUR 2,4 million

Intensity	60 %
Duration (period)	24.4.2011-31.12.2011
Economic sectors	Recreational, cultural sporting activities, Education
Name and address of the granting authority	Departamento de Cultura del Gobierno Vasco Donostia-San Sebastián, 1 01010 Vitoria-Gasteiz ESPAÑA
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

Non-opposition to a notified concentration
(Case COMP/M.6220 — General Mills/Yoplait)
(Text with EEA relevance)
(2011/C 187/03)

On 22 June 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 32011M6220. EUR-Lex is the on-line access to the European law.

Non-opposition to a notified concentration
(Case COMP/M.6195 — Holcim/Basalt/H + B Grondstoffen JV)
(Text with EEA relevance)
(2011/C 187/04)

On 6 June 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 32011M6195. 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 ⁽¹⁾**27 June 2011**

(2011/C 187/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,4205	AUD Australian dollar	1,3605
JPY Japanese yen	114,74	CAD Canadian dollar	1,4056
DKK Danish krone	7,4580	HKD Hong Kong dollar	11,0621
GBP Pound sterling	0,88970	NZD New Zealand dollar	1,7677
SEK Swedish krona	9,1929	SGD Singapore dollar	1,7641
CHF Swiss franc	1,1849	KRW South Korean won	1 541,88
ISK Iceland króna		ZAR South African rand	9,8039
NOK Norwegian krone	7,7845	CNY Chinese yuan renminbi	9,2038
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,3703
CZK Czech koruna	24,442	IDR Indonesian rupiah	12 249,99
HUF Hungarian forint	268,96	MYR Malaysian ringgit	4,3439
LTL Lithuanian litas	3,4528	PHP Philippine peso	61,935
LVL Latvian lats	0,7093	RUB Russian rouble	40,2441
PLN Polish zloty	4,0024	THB Thai baht	43,893
RON Romanian leu	4,2220	BRL Brazilian real	2,2750
TRY Turkish lira	2,3352	MXN Mexican peso	16,9253
		INR Indian rupee	63,9760

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

Commission notice on current State aid recovery interest rates and reference/discount rates for 27 Member States applicable as from 1 July 2011

(Published in accordance with Article 10 of Commission Regulation (EC) No 794/2004 of 21 April 2004 (OJ L 140, 30.4.2004, p. 1))

(2011/C 187/06)

Base rates calculated in accordance with the Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6). Depending on the use of the reference rate, the appropriate margins have still to be added as defined in this communication. For the discount rate this means that a margin of 100 basis points has to be added. The Commission Regulation (EC) No 271/2008 of 30 January 2008 amending the implementing Regulation (EC) No 794/2004 foresees that, unless otherwise provided for in a specific decision, the recovery rate will also be calculated by adding 100 basis points to the base rate.

Modified rates are indicated in bold.

Previous table published in OJ C 125, 28.4.2011, p. 4.

From	To	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
1.7.2011	...	2,05	2,05	3,97	2,05	1,79	2,05	1,76	2,05	2,05	2,05	2,05	2,05	5,61	2,05	2,05	2,56	2,05	2,20	2,05	2,05	4,26	2,05	7,18	2,65	2,05	2,05	1,48
1.5.2011	30.6.2011	1,73	1,73	3,97	1,73	1,79	1,73	1,76	1,73	1,73	1,73	1,73	1,73	5,61	1,73	1,73	2,56	1,73	2,20	1,73	1,73	4,26	1,73	7,18	2,65	1,73	1,73	1,48
1.3.2011	30.4.2011	1,49	1,49	3,97	1,49	1,79	1,49	1,76	1,49	1,49	1,49	1,49	1,49	5,61	1,49	1,49	2,56	1,49	2,20	1,49	1,49	4,26	1,49	7,18	2,23	1,49	1,49	1,48
1.1.2011	28.2.2011	1,49	1,49	3,97	1,49	1,79	1,49	1,76	1,49	1,49	1,49	1,49	1,49	5,61	1,49	1,49	2,56	1,49	2,64	1,49	1,49	4,26	1,49	7,18	1,76	1,49	1,49	1,48
1.12.2010	31.12.2010	1,45	1,45	4,15	1,45	2,03	1,45	1,88	1,85	1,45	1,45	1,45	1,45	5,97	1,45	1,45	2,85	1,45	3,15	1,45	1,45	4,49	1,45	7,82	1,38	1,45	1,45	1,35
1.10.2010	30.11.2010	1,24	1,24	4,15	1,24	2,03	1,24	1,88	2,27	1,24	1,24	1,24	1,24	5,97	1,24	1,24	2,85	1,24	3,99	1,24	1,24	4,49	1,24	7,82	1,38	1,24	1,24	1,35
1.9.2010	30.9.2010	1,24	1,24	4,15	1,24	2,03	1,24	1,88	2,27	1,24	1,24	1,24	1,24	5,97	1,24	1,24	2,85	1,24	3,99	1,24	1,24	4,49	1,24	7,82	1,18	1,24	1,24	1,35
1.8.2010	31.8.2010	1,24	1,24	4,92	1,24	2,03	1,24	1,88	2,27	1,24	1,24	1,24	1,24	5,97	1,24	1,24	2,85	1,24	3,99	1,24	1,24	4,49	1,24	7,82	1,18	1,24	1,24	1,35
1.7.2010	31.7.2010	1,24	1,24	4,92	1,24	2,03	1,24	1,88	2,27	1,24	1,24	1,24	1,24	5,97	1,24	1,24	2,85	1,24	3,99	1,24	1,24	4,49	1,24	7,82	1,02	1,24	1,24	1,35
1.6.2010	30.6.2010	1,24	1,24	4,92	1,24	2,03	1,24	1,88	2,77	1,24	1,24	1,24	1,24	5,97	1,24	1,24	3,45	1,24	4,72	1,24	1,24	4,49	1,24	7,82	1,02	1,24	1,24	1,16
1.5.2010	31.5.2010	1,24	1,24	4,92	1,24	2,03	1,24	1,88	2,77	1,24	1,24	1,24	1,24	5,97	1,24	1,24	4,46	1,24	6,47	1,24	1,24	4,49	1,24	7,82	1,02	1,24	1,24	1,16
1.4.2010	30.4.2010	1,24	1,24	4,92	1,24	2,39	1,24	1,88	3,47	1,24	1,24	1,24	1,24	5,97	1,24	1,24	5,90	1,24	8,97	1,24	1,24	4,49	1,24	9,92	1,02	1,24	1,24	1,16
1.3.2010	31.3.2010	1,24	1,24	4,92	1,24	2,39	1,24	1,88	4,73	1,24	1,24	1,24	1,24	7,03	1,24	1,24	7,17	1,24	11,76	1,24	1,24	4,49	1,24	9,92	1,02	1,24	1,24	1,16
1.1.2010	28.2.2010	1,24	1,24	4,92	1,24	2,39	1,24	1,88	6,94	1,24	1,24	1,24	1,24	7,03	1,24	1,24	8,70	1,24	15,11	1,24	1,24	4,49	1,24	9,92	1,02	1,24	1,24	1,16

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for proposals under the multi-annual work programme 2011 for grants in the field of the Trans-European Transport Network (TEN-T) for the period 2007-2013*(Commission Decision C(2011) 1766 as amended by Decision C(2011) 4317)**(2011/C 187/07)*

The European Commission, Directorate-General for Mobility and Transport is hereby launching a call for proposals, under the multi-annual work programme for the Trans-European Transport Network (TEN-T) for the period 2007-2013, in order to award grants to:

Field No 14: TEN-T Priority Project No 21 — Motorways of the Sea. The maximum total amount available for the selected proposals, for 2011, is EUR 70 million.

Field No 15: Projects in the field of River Information Services (RIS). The maximum total amount available for the selected proposals, for 2011, is EUR 10 million.

Field No 16: Projects in the field of European Rail Traffic Management Systems (ERTMS). The maximum total amount available for the selected proposals, for 2011, is EUR 100 million.

The deadline for the submission of proposals is 23 September 2011.

The complete text of the call for proposals is available on:

http://tentea.ec.europa.eu/en/apply_for_funding/follow_the_funding_process/calls_for_proposals_2011.htm

TEN-T external evaluations — Registration and selection of experts

(2011/C 187/08)

The TEN-T (Trans-European Transport Network) Executive Agency invites independent experts in the respective fields to support the selection of the best proposals submitted to TEN-T calls for proposals. In 2011, these fields are European Rail Traffic Management Systems (ERTMS), River Information Services (RIS) and Motorways of the Sea (MoS).

Independent experts for the 2011 TEN-T external evaluations will, as in the past years, be selected via the EMM database set up by DG Research.

If you are interested in being appointed, we invite you to register in the EMM database:

<https://cordis.europa.eu/emmfp7/index.cfm>

The Agency will search the database to identify and select suitable experts using keywords related to their expertise.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of the impending expiry of certain anti-dumping measures

(2011/C 187/09)

1. As provided for in Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 ⁽¹⁾ on protection against dumped imports from countries not members of the European Community, the European Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below.

2. Procedure

Union producers may lodge a written request for a review. This request must contain sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Union producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. Time limit

Union producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Unit H-1), N-105 4/92, 1049 Brussels, Belgium ⁽²⁾ at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 1225/2009.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry ⁽¹⁾
Certain frozen strawberries	People's Republic of China	Anti-dumping duty	Council Regulation (EC) No 407/2007 (OJ L 100, 17.4.2007, p. 1)	18.4.2012

⁽¹⁾ The measure expires at midnight of the day mentioned in this column.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Fax +32 22956505.

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain seamless pipes and tubes of iron or steel originating in Croatia, Russia and Ukraine

(2011/C 187/10)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on imports of certain seamless pipes and tubes originating in Croatia, Russia and Ukraine ('countries concerned'), the European Commission ('the Commission') has received a request for review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽²⁾ ('the basic Regulation').

1. Request for review

The request was lodged on 29 March 2011 by the Defence Committee of the Seamless Steel Tubes Industry of the European Union ('the applicant') on behalf of producers representing a major proportion, in this case more than 50 %, of the Union production of certain seamless pipes and tubes.

2. Product

The product under review is certain seamless pipes and tubes of iron or steel, of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis ⁽³⁾, originating in Croatia, Russia and Ukraine ('the product concerned'), currently falling within CN codes ex 7304 11 00, ex 7304 19 10, ex 7304 19 30, ex 7304 22 00, ex 7304 23 00, ex 7304 24 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 80, ex 7304 39 58, ex 7304 39 92, ex 7304 39 93, ex 7304 51 89, ex 7304 59 92 and ex 7304 59 93 ⁽⁴⁾.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Regulation (EC) No 954/2006 ⁽⁵⁾ as last amended by Regulation (EC) No 812/2008 ⁽⁶⁾.

4. Grounds for the review

The request is based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and injury to the Union industry.

⁽¹⁾ OJ C 348, 21.12.2010, p. 16.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

⁽³⁾ The CEV shall be determined in accordance with Technical Report, 1967, IIW doc. IX-555-67, published by the International Institute of Welding (IIW).

⁽⁴⁾ As presently defined in Commission Regulation (EU) No 861/2010 of 5 October 2010 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 284, 29.10.2010, p. 1). The product coverage is determined in combining the product description in Article 1(1) of Council Regulation (EC) No 954/2006 (OJ L 175, 29.6.2006, p. 4) and the product description of the corresponding CN codes taken together.

⁽⁵⁾ OJ L 175, 29.6.2006, p. 4.

⁽⁶⁾ OJ L 220, 15.8.2008, p. 1.

In demonstrating the likelihood of recurrence of dumping for Croatia and Russia, export prices to the EU together with export prices to another third country, the United States of America, have been used by the applicant given the current absence of representative import volumes from Croatia and Russia to the EU. These export prices were compared with a constructed normal value for Croatia and domestic prices for Russia. On this basis, the applicant alleges that there is a likelihood of recurrence of dumping for Croatia and Russia.

The allegation of likelihood of continuation of dumping in respect of Ukraine is based on a comparison of normal value, established on the basis of domestic prices, with the export prices of the product concerned when sold for export to the Union. On this basis, the dumping margin calculated for Ukraine is significant.

In respect of Ukraine, the applicant also alleges that imports of the product concerned from this country have continued to cause injury to the Union industry due to their low prices. The *prima facie* evidence provided by the applicant shows that the volumes and the prices of the imported product concerned have continued, among other consequences, to have a negative impact on the market share held and the quantities sold by the Union industry, resulting in substantial adverse effects on the overall performance, the financial situation and the employment situation of the Union industry.

The applicant further alleges the likelihood of continuation or recurrence of injurious dumping for all countries concerned. In this respect the applicant presents evidence that, should measures be allowed to lapse, the current import level of the product concerned is likely to increase due to the existence of unused capacity in the countries concerned.

In addition, the applicant alleges that the already fragile situation of the Union industry would further deteriorate if measures were allowed to lapse and that any recurrence of substantial imports at dumped prices from the countries concerned would likely lead to a recurrence of further injury of the Union industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11(2) of the basic Regulation.

5.1. *Procedure for the determination of likelihood of dumping and injury*

The investigation will determine whether the expiry of the measures would be likely, or unlikely, to lead to a continuation or recurrence of dumping and a continuation or recurrence of injury.

(a) *Sampling*

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling, in accordance with Article 17 of the basic Regulation.

(i) *Sampling for exporters/producers in Russia and Ukraine*

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers in Russia and Ukraine, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone, and fax numbers, and contact person,
- the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Union during the period 1 April 2010 to 31 March 2011 for each of the 27 Member States ⁽⁷⁾ separately and in total,
- the turnover in local currency and the volume in tonnes of the product concerned sold on the domestic market during the period 1 April 2010 to 31 March 2011,
- the turnover in local currency and the volume in tonnes of the product concerned sold to other third countries during the period 1 April 2010 to 31 March 2011,
- the precise activities of the company worldwide with regard to the product concerned,

- the names and the precise activities of all related companies ⁽⁸⁾ involved in the production and/or sales (export and/or domestic) of the product concerned,

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

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. 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 consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of Russia and Ukraine, and any known associations of exporters/producers.

(ii) *Sampling for importers*

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone, and fax numbers and contact person,
- the precise activities of the company with regard to the product concerned,
- the volume in tones and value in euro of imports into and resales made on the Union market during the period 1 April 2010 to 31 March 2011 of the imported product concerned originating in Croatia, Russia and Ukraine,
- the names and the precise activities of all related companies ⁽⁹⁾ involved in the production and/or sales of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

⁽⁷⁾ 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.

⁽⁸⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

⁽⁹⁾ See footnote 8.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. 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 consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

(iii) Sampling for Union producers

In view of the potentially large number of Union producers involved in this proceeding and in order to complete the investigation within the set time limits, the Commission may 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 will be 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 7 below) and to comment on the appropriateness of this choice 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 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 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.

(iv) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the samples for exporters/producers in Russia and Ukraine and importers must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the samples after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the samples must reply to a questionnaire within the time limit set in point 6(b)(iii) and must cooperate within the framework of the investigation.

If sufficient cooperation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union industry and to any known association of producers in the Union, to the known exporters/producers in Croatia, to the sampled exporters/producers in Russia and Ukraine, and to any known association of exporters/producers, to the sampled importers, to any known association of importers, and to the authorities of the countries concerned.

For exporters/producers in Croatia, all such interested parties should contact the Commission forthwith by fax, but not later than the time limit set out in paragraph 6(a)(i) of this notice, in order to find out whether they are listed in the complaint and, if necessary, request a questionnaire, given that the time limit set in paragraph 6(a)(ii) of this notice applies to all such interested parties.

(c) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in point 6(a)(ii).

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii).

5.2. Procedure for the assessment of Union interest

In accordance with Article 21 of the basic Regulation and in the event that the likelihood of a continuation of dumping and continuation of injury is confirmed, a determination will be made as to whether maintaining the anti-dumping measures would not be against the Union interest. For this reason the Commission may send questionnaires to the known Union industry, importers, their representative associations, representative users and representative consumer organisations. Such parties, including those not known to the Commission, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii), make themselves known and provide the Commission with information. The parties which have acted in conformity with the preceding sentence may request a hearing, setting out the particular reasons why they should be heard, within the time limit set in point 6(a)(iii). It should be noted that any information submitted pursuant to Article 21 of the basic Regulation will only be taken into account if supported by factual evidence at the time of submission.

6. Time limits

(a) General time limits

(i) For parties to request a questionnaire

All interested parties who did not cooperate in the investigation leading to the measures subject to the present review should request a questionnaire or other claim forms as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Union*.

(ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limit specified in point 6(b)(iii).

(iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 37-day time limit.

(b) Specific time limit in respect of sampling

(i) The information specified in point 5.1(a)(i), 5.1(a)(ii) and 5.1(a)(iii) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

(ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(iv) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

(iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample, unless otherwise specified.

7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁰⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 04/092
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22956505

8. Non-cooperation

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

⁽¹⁰⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favourable to that party than if it had cooperated.

9. Schedule of the investigation

The investigation will be concluded, according to Article 11(5) of the basic Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.

10. Possibility to request a review under Article 11(3) of the basic Regulation

As this expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the level of the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any party to the proceeding considers that a review of the level of the measures is warranted so as to allow for the possibility to amend (i.e. increase or decrease) the level of the measures, that party may request a review in accordance with Article 11(3) of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the expiry review mentioned in this notice, may contact the Commission at the address given above.

11. Processing of personal data

Please note that 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 ⁽¹⁾.

12. Hearing Officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of the Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details interested parties may consult the Hearing Officer's web pages of the website of the Directorate-General for Trade (<http://ec.europa.eu/trade>).

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

Notice of the impending expiry of certain anti-dumping measures

(2011/C 187/11)

1. As provided for in Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 ⁽¹⁾ on protection against dumped imports from countries not members of the European Community, the Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below.

2. Procedure

Union producers may lodge a written request for a review. This request must contain sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Union producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. Time limit

Union producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Unit H-1), N-105 4/92, 1049 Brussels, Belgium ⁽²⁾ at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 1225/2009.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry ⁽¹⁾
Ironing boards	People's Republic of China Ukraine	Anti-dumping duty	Council Regulation (EC) No 452/2007 (OJ L 109, 26.4.2007, p. 12) as last amended by Council Implementing Regulation (EU) No 1241/2010 (OJ L 338, 22.12.2010, p. 8) Council Implementing Regulation (EU) No 1243/2010 (OJ L 338, 22.12.2010, p. 22)	27.4.2012

⁽¹⁾ The measure expires at midnight of the day mentioned in this column.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Fax +32 22956505.

Notice of initiation of an anti-dumping proceeding concerning imports of certain seamless pipes and tubes of iron or steel, excluding seamless pipes and tubes of stainless steel, originating in Belarus

(2011/C 187/12)

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 ⁽¹⁾ ('the basic Regulation'), alleging that imports of certain seamless pipes and tubes, originating in Belarus, are being dumped and are thereby causing material injury to the Union industry.

1. Complaint

The complaint was lodged on 16 May 2011 by the Defence Committee of the Seamless Steel Tubes Industry of the European Union ('the complainant') on behalf of producers representing a major proportion, in this case more than 50 % of the total Union production of certain seamless pipes and tubes.

2. Product under investigation

The product subject to this investigation is certain seamless pipes and tubes of iron or steel, excluding seamless pipes and tubes of stainless steel, of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis ⁽²⁾ ('the product under investigation').

3. Allegation of dumping ⁽³⁾

The product allegedly being dumped is the product under investigation, originating in Belarus ('the country concerned'), currently falling within CN codes ex 7304 19 10, ex 7304 19 30, ex 7304 23 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 80, ex 7304 39 58, ex 7304 39 92, ex 7304 39 93, ex 7304 51 89, ex 7304 59 92 and ex 7304 59 93. These CN codes are given for information only.

Since, in view of the provisions of Article 2(7) of the basic Regulation, Belarus is considered to be a non-market economy country, the complainant established normal value for the imports from Belarus on the basis of the price in a market economy third country, namely the United States of America. 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 margin calculated is 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 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 market share held 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 the 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.

5.1. Procedure for the determination of dumping

Exporting producers ⁽⁴⁾ of the product under investigation from the country concerned are invited to participate in the Commission investigation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ The CEV shall be determined in accordance with Technical Report, 1967, IIW doc. IX-555-67, published by the International Institute of Welding (IIW).

⁽³⁾ 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 exporting country. 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.

⁽⁴⁾ 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.

5.1.1. Investigating exporting producers

In order to obtain the information it deems necessary for its investigation with regard to exporting producers in the country concerned, the Commission will send questionnaires to the known exporting producers in Belarus, to any known association of exporting producers, and to the authorities of the country concerned. All exporting producers and associations of exporting producers are invited to contact the Commission immediately, by fax no later than 15 days after the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, in order to make themselves known and to request a questionnaire.

The exporting producers and, where applicable, the associations of exporting producers must submit the completed questionnaire within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, 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.

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

In accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from Belarus 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 the United States of America. 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

Individual exporting producers in the country concerned may 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⁽⁵⁾. 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.

To apply for IT, exporting producers in the country concerned should submit duly substantiated claims, requesting individual treatment within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. The Commission will send claim forms to all exporting producers in Belarus named in the complaint and to any association of exporting producers named in the complaint, as well as to the authorities of Belarus.

5.1.3. Investigating unrelated importers⁽⁶⁾ ⁽⁷⁾

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

⁽⁵⁾ 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.

⁽⁶⁾ 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. 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 recognized 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.

⁽⁷⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

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,
- the total turnover during the period 1 April 2010 to 31 March 2011,
- the volume in tonnes and value in EUR of imports into and resales made on the Union market during the period 1 April 2010 to 31 March 2011 of the imported product under investigation originating in the country concerned,
- the names and the precise activities of all related companies⁽⁸⁾ 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.

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 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 determination of the volume of dumped imports, their effect on prices in 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 potentially 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) and to comment on the appropriateness of this choice 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 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 associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

⁽⁸⁾ For the definition of a related party see footnote 6.

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 submissions, including information submitted for the selection of the sample, completed IT claim forms, completed questionnaires and updates thereof, made by interested parties must be made in writing in both paper and electronic format, and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. If an interested party cannot provide its submissions and requests in electronic format for technical reasons, it must immediately inform the Commission.

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' ⁽⁹⁾.

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.

Commission address for correspondence:

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

Fax +32 22956505

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.

⁽⁹⁾ 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).

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 organize 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/issues/respectrules/ho/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 ⁽¹⁰⁾.

⁽¹⁰⁾ OJ L 8, 12.1.2001, p. 1.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.6218 — INEOS/Tessenderlo Group S-PVC Assets)

(Text with EEA relevance)

(2011/C 187/13)

1. On 20 June 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Kerling plc, operating under the trading name of INEOS ChlorVinyls, and part of the wider INEOS Group of companies ('INEOS', Switzerland) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of parts of Tessenderlo Chemie NV, operating under the trading name of the Tessenderlo Group ('Tessenderlo', Belgium) by way of purchase of certain Suspension Polyvinyl Chloride ('S-PVC') related assets.

2. The business activities of the undertakings concerned are:

- for INEOS: The manufacture of petrochemicals, specialty chemicals and oil products. Through its subsidiary INEOS ChlorVinyls, the company is one of the major chlor-alkali producers in Europe and an important supplier of PVC,
- for Tessenderlo: Chemical industry, natural derivatives, plastics converting, gelatine, and agricultural solutions. The assets to be sold comprise Tessenderlo's S-PVC business.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. However, the final decision on this point is reserved.

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. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6218 — INEOS/Tessenderlo Group S-PVC Assets, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

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

Prior notification of a concentration
(Case COMP/M.6269 — SNCF/HFPS/Wehinger GmbH/Rail Holding)
Candidate case for simplified procedure
(Text with EEA relevance)
(2011/C 187/14)

1. On 20 June 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking(s) SNCF (France), Haselsteiner Familien-Privatstiftung ('HFPS', Austria) and Stefan Wehinger Beteiligungs-und Beratungs GmbH ('Wehinger GmbH', Austria) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Rail Holding AG (Austria) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for SNCF: rail passenger and freight transportation services in France and other EEA countries; management of the French railway infrastructure,
- for HFPS: investments in small and medium-sized businesses active in different sectors such as the construction sector,
- for Wehinger GmbH: holding of a shareholding in Rail Holding AG,
- for Rail Holding AG: shareholder of WESTbahn Management GmbH (Austria), planning to operate rail passenger transportation services in Austria.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽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. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6269 — SNCF/HFPS/Wehinger GmbH/Rail Holding, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

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

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').

Prior notification of a concentration
(Case COMP/M.6196 — Lenovo/Medion)
(Text with EEA relevance)
(2011/C 187/15)

1. On 20 June 2011, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Lenovo Group Limited ('Lenovo', China) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking Medion AG ('Medion', Germany) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Lenovo: desktop and notebook PCs, servers, storage drives; IT management software; IT services,
- for Medion: electronic equipment for private consumers, in particular desktop and notebook PCs, phones, navigation devices, TVs; software; mobile telecommunication services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved.

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. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6196 — Lenovo/Medion, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

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

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European Commission

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PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

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⁽¹⁾ Text with EEA relevance

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