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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

COMMISSION

COMMISSION OPINION

of 19 August 2009

on the follow-up given to its opinion of 7 January 2008 on interim measures taken by the government of Denmark in respect of high velocity pressure/vacuum relief valves with flame screen of model HPV manufactured by Se-won Ind Co. in the Republic of Korea

(Text with EEA relevance)

(2009/C 213/01)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 96/98/EC of 20 December 1996 on marine equipment ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) In its opinion of 7 January 2008, the Commission considered that the interim measures notified by the Danish Government to the Commission by letter of 27 February 2004 in respect of valves of the model HPV manufactured by Se-won Ind Co. in the Republic of Korea were justified, and recommended that the Member States ensure that the above-mentioned valves be removed from their markets until such time as a new type-examination certificate were delivered in full compliance with the Directive requirements.
- (2) The Commission furthermore recommended that the Member States take all appropriate action in order to guarantee the safety of ships flying their flag which are equipped with the said valves, including at least the following measures: (a) investigating any episodes which may indicate valve malfunction, in particular as regards hammering and pressure peaks during loading and discharging; and (b) ensuring that no ships equipped with the said valves are authorised to carry cargoes with an MESG value lower than 0,9 mm.
- (3) The manufacturer has submitted evidence that a full new certification procedure has been conducted, as a result of which a new MED module-B type-approval certificate has been issued by the notified body DNV under reference number MED-B-4766 for Sewon products HPV 65A, HPV-3, HPV-4, HPV-5, HPV-6, HPV-8 and HPV-10 (hereinafter referred to as 'the valves').
- (4) This new certificate has been published on the MARED database, where it has replaced the type-approval certificate referred to in recital 4 of the above-mentioned opinion, now superseded.

⁽¹⁾ OJ L 46, 17.2.1997, p. 25.

- (5) The documentation provided by the manufacturer shows that certificate MED-B-4766 has been delivered in accordance with the applicable requirements concerning, inter alia: the testing of every valve model of the HPV series; the test plan and sequence; the additional testing concerning glass material; the identification of the devices under testing; the calibration of the measurement instrumentation; the measurement set-up; the monitoring of the valves behaviour during the testing; the report contents. The expected limitations of use and in particular the maximum pipeline length for every model are stated. The Commission notes that the manufacturer initiated the recertification activity concerning the valves before the delivery of the opinion of 7 January 2008.
- (6) After a prudent lapse of time, no instances of valve malfunction have been reported by the Member States,

HAS ADOPTED THIS OPINION:

Sole Article

The manufacturer has given appropriate follow-up to the opinion delivered by the Commission on 7 January 2008 and has taken appropriate measures to ensure safety.

Done at Brussels, 19 August 2009.

For the Commission
Antonio TAJANI
Member of the Commission

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Initiation of proceedings**(Case COMP/M.5529 — Oracle/Sun Microsystems)****(Text with EEA relevance)**

(2009/C 213/02)

On 3 September 2009, the Commission decided to initiate proceedings in the above-mentioned case after finding that the notified concentration raises serious doubts as to its compatibility with the common market. The initiation of proceedings opens a second phase investigation with regard to the notified concentration, and is without prejudice to the final decision on the case. The decision is based on Article 6(1)(c) of Council Regulation (EC) No 139/2004.

The Commission invites interested third parties to submit their observations on the proposed concentration to the Commission.

In order to be fully taken into account in the procedure, observations should reach the Commission not later than 15 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301 / 22967244) or by post, under reference No COMP/M.5529 — Oracle/Sun Microsystems, to the following address:

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

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Euro exchange rates ⁽¹⁾

7 September 2009

(2009/C 213/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,4330	AUD Australian dollar	1,6748
JPY Japanese yen	133,33	CAD Canadian dollar	1,5429
DKK Danish krone	7,4435	HKD Hong Kong dollar	11,1064
GBP Pound sterling	0,87350	NZD New Zealand dollar	2,0696
SEK Swedish krona	10,1955	SGD Singapore dollar	2,0536
CHF Swiss franc	1,5181	KRW South Korean won	1 768,23
ISK Iceland króna		ZAR South African rand	10,8700
NOK Norwegian krone	8,5850	CNY Chinese yuan renminbi	9,7860
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,3365
CZK Czech koruna	25,488	IDR Indonesian rupiah	14 417,23
EEK Estonian kroon	15,6466	MYR Malaysian ringgit	5,0370
HUF Hungarian forint	272,24	PHP Philippine peso	69,677
LTL Lithuanian litas	3,4528	RUB Russian rouble	45,1005
LVL Latvian lats	0,7020	THB Thai baht	48,784
PLN Polish zloty	4,1100	BRL Brazilian real	2,6419
RON Romanian leu	4,2463	MXN Mexican peso	19,1843
TRY Turkish lira	2,1374	INR Indian rupee	69,7300

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

Commission communication on the body authorised to issue certificates of origin under Regulation (EC) No 442/2009

(2009/C 213/04)

Commission Regulation (EC) No 442/2009 of 27 May 2009, published in *Official Journal of the European Union* L 129 of 28 May 2009, opened an import tariff quota for pigmeat originating in Canada.

Article 10(3) of that Regulation states that release into free circulation is subject to the presentation of a certificate of origin issued by the competent Canadian authorities, in accordance with the provisions of Articles 55 to 65 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of the Community Customs Code. Articles 55 to 65 provide, in particular, for administrative cooperation between the Community authorities and the authorities of the third country for which the tariff quota has been opened. To that end, the Canadian authorities have sent the Commission:

— the names and addresses of the Canadian authorities that may issue certificates of origin

9071-3975 Québec Inc. (Les Aliments Lucyporc)
212, chemin du Canton S
Yamachiche, Québec
G0X 3L0
CANADA

Authorisation number of the undertaking: 468

— the names and addresses of the Canadian government authorities responsible for receiving requests for post-clearance checks of those certificates of origin

Mr Gordon Pugh
Counsellor (Agriculture)/Conseiller (Agriculture)
Mission of Canada to the European Union/Mission du Canada auprès de l'Union européenne
Avenue de Tervuren 2
1040 Brussels
BELGIUM
Tel. +32 27410772
E-mail: gordon.pugh@international.gc.ca

When Mr Pugh is absent:

Dr. Michel Landry
Counsellor, Veterinary Affairs/Conseiller, Affaires vétérinaires
Mission of Canada to the European Union/Mission du Canada auprès de l'Union européenne
Avenue de Tervuren 2
1040 Brussels
BELGIUM
Tel. +32 27410736
E-mail: michel.f.landry@international.gc.ca

ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS

(2009/C 213/05)

The *annual* average costs do not take into account the reduction of 20 % provided for in Articles 94(2) and 95(2) of Council Regulation (EEC) No 574/72 ⁽¹⁾.

The *net monthly* average costs have been reduced by 20 %.

AVERAGE COSTS OF BENEFITS IN KIND — 2004

I. Application of Article 94 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to the benefits in kind provided in 2004 **to members of the family** as referred to in Article 19(2) of Regulation (EEC) No 1408/71 ⁽²⁾ will be determined on the basis of the following average costs:

	Annual	Net monthly
The United Kingdom	GBP 1 526,30	GBP 101,75

II. Application of Article 95 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to benefits in kind provided in 2004 under Articles 28 and 28a of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs (**only per capita** from 2002):

	Annual	Net monthly
The United Kingdom	GBP 2 820,56	GBP 188,04

AVERAGE COSTS OF BENEFITS IN KIND — 2005

I. Application of Article 94 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to the benefits in kind provided in 2005 **to members of the family** as referred to in Article 19(2) of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs:

	Annual	Net monthly
Finland (per capita) — workers' family members regardless of age — pensioners under 65 — pensioners' family members under 65	EUR 1 140,04	EUR 76,00
The United Kingdom	GBP 1 638,99	GBP 109,27

II. Application of Article 95 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to benefits in kind provided in 2005 under Articles 28 and 28a of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs (**only per capita** from 2002):

⁽¹⁾ OJ L 74, 27.3.1972, p. 1.

⁽²⁾ OJ L 149, 5.7.1971, p. 2.

	Annual	Net monthly
Finland — pensioners aged 65 and over — pensioners' family members aged 65 and over	EUR 3 799,91	EUR 253,33
The United Kingdom	GBP 3 029,41	GBP 201,96

AVERAGE COSTS OF BENEFITS IN KIND — 2006

I. Application of Article 94 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to the benefits in kind provided in 2006 **to members of the family** as referred to in Article 19(2) of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs:

	Annual	Net monthly
Greece	EUR 1 086,47	EUR 72,43
Italy	EUR 2 280,78	EUR 152,05
Hungary (per capita) — workers' family members under 65 — pensioners under 65 — pensioners' family members under 65	HUF 86 507	HUF 5 767
Sweden	SEK 15 249,87	SEK 1 016,66
The United Kingdom	GBP 1 637,29	GBP 109,15

II. Application of Article 95 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to benefits in kind provided in 2006 under Articles 28 and 28a of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs (**only per capita** from 2002):

	Annual	Net monthly
Greece	EUR 2 169,08	EUR 144,61
Italy	EUR 2 704,45	EUR 180,30
Hungary — workers' family members aged 65 and over — pensioners aged 65 and over — pensioners' family members aged 65 and over	HUF 263 465	HUF 17 564
Sweden	SEK 42 558,03	SEK 2 837,20
The United Kingdom	GBP 3 133,50	GBP 208,90

AVERAGE COSTS OF BENEFITS IN KIND — 2007

I. Application of Article 94 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to the benefits in kind provided in 2007 **to members of the family** as referred to in Article 19(2) of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs:

	Annual	Net monthly
Belgium	EUR 1 448,77	EUR 96,58
Germany (per capita — per family member of a worker)	EUR 1 153,25	EUR 76,88
Estonia (per capita)	EEK 5 156,94	EEK 343,80
— workers' family members under 63		
— pensioners under 63		
— pensioners' family members under 63		
France	EUR 2 216,92	EUR 147,79
Luxembourg	EUR 2 594,83	EUR 172,99
Hungary (per capita)	HUF 80 072	HUF 5 338
— workers' family members under 65		
— pensioners under 65		
— pensioners' family members under 65		
The Netherlands (per capita)	EUR 1 804,86	EUR 120,32
— workers' family members regardless of age		
— pensioners under 65		
— pensioners' family members under 65		
Austria	EUR 1 807,91	EUR 120,53
Sweden	SEK 15 353,20	SEK 1 023,55

II. Application of Article 95 of Regulation (EEC) No 574/72

The amounts to be refunded with regard to benefits in kind provided in 2007 under Articles 28 and 28a of Regulation (EEC) No 1408/71 will be determined on the basis of the following average costs (**only per capita** from 2002):

	Annual	Net monthly
Belgium	EUR 4 775,84	EUR 318,39
Germany	EUR 4 558,33	EUR 303,89
Estonia	EEK 12 710,56	EEK 847,37
— workers' family members aged 63 and over		
— pensioners aged 63 and over		
— pensioners' family members aged 63 and over		
France	EUR 5 202,72	EUR 346,85
Luxembourg	EUR 8 432,37	EUR 562,16
Hungary	HUF 236 088	HUF 15 739
— workers' family members aged 65 and over		
— pensioners aged 65 and over		
— pensioners' family members aged 65 and over		
The Netherlands	EUR 9 212,14	EUR 614,14
— pensioners aged 65 and over		
— pensioners' family members aged 65 and over		
Austria	EUR 4 437,30	EUR 295,82
Sweden	SEK 43 515,81	SEK 2 901,05

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

(2009/C 213/06)

Aid No: XA 302/08

The total compensation involving all cumulated aid must not exceed the maximum rate of public aid, which is 90 % of the amount of the losses in the case of mountain areas

Member State: France**Region:** Département de la Drôme**Date of implementation:**

Title of aid scheme: Aides à la reconstitution du patrimoine nucicole, complément au dispositif d'indemnisation du Fonds national de garantie contre les calamités agricoles (FNGCA) pour les dommages causés aux exploitations agricoles nucicoles en 2007 et 2008 par les calamités.

From 1 September 2008 onwards, subject to publication of the registration number of the exemption request on the website of the European Commission's Directorate-General for Agriculture and Rural Development.

Legal basis:

Article 11 du règlement (CE) n° 1857/2006 du 15 décembre 2006

Compensation for the losses incurred on 28 and 29 May 2008 will not be taken into account until after the corresponding decree has been published (the application for recognition is under consideration)

Articles L.361-1 et suivants du Code rural,

Articles D.361-1 et suivants du Code rural,

Duration of scheme: Until the end of 2008

Arrêtés du ministère de l'agriculture et de la pêche des 21 novembre 2007 et 25 janvier 2008, de reconnaissance au titre des calamités agricoles des dommages subis en 2007 dans la Drôme,

Objective of the aid:

Règlement 9E1 «Aide à la reconstitution du patrimoine nucicole» adopté par l'assemblée départementale le 16 juin 2008.

Within the limits of the appropriations available, the Department wishes to provide aid to growers of walnut trees damaged by the following exceptional climatic events: the violent storms of 8 July and 2 August 2007, the mini-tornado of 17 and 18 September 2007, and the gale-force winds of the night of 3 to 4 February 2008, which had a significant adverse effect on production in the municipalities of La Charce, Hostun, Eymeux and Jaillans (situated in mountain areas), declared by official decrees to be agricultural disasters (or natural disasters).

Prise en compte ultérieure des dégâts des 28 et 29 mai 2008 dès parution de l'arrêté correspondant (demande de reconnaissance en cours d'examen).

Annual expenditure planned under the scheme: Exceptional amount of EUR 50 000 for 2008

Maximum aid intensity:

The rate applicable to uprooted trees varies between 25 % and 35 % (depending on the insurance policy taken out by the farmer). A rate of 90 % is applied to straightening and/or cutting-back.

Lastly, the storms of 28 and 29 May 2008 aggravated the situation of certain growers, which became critical, in areas from Bourdeaux to St Nazaire en Royans and a sector in the Anneyron region. The General Council can therefore extend the aid to cover the latter episode, subject to recognition of this disaster by ministerial decree and by the FNGCA. A further deliberation and additional appropriations will therefore be needed.

The rules for calculating the allowances will be more extensive than those adopted for aid from the FNGCA (scheme XA 209/08) by the departmental committee set up to assess the lost income from walnut trees, but will comply with the requirement that the damage to crops is at least 30 %, and that the rate of public aid must not exceed 90 % of the amount of admissible losses in the case of mountain areas, in accordance with the Community Regulation. On the other hand, the national limits to aid from the Fund, such as the lower limit of the amount that can be subsidised and the upper limits to aid from it will not apply.

The proposed aid scheme will supplement the flat-rate allowances already received from the FNGCA by certain growers, within the limits allowed by Article 11 of Regulation (EC) No 1857/2006 of 15 December 2006

Sector(s) concerned: All farms engaged in walnut production in the 'less-favoured' areas where the event was recognised as a disaster in 2007 and 2008

Name and address of the granting authority:

Le Département de la Drôme
Hôtel du Département
Service Agriculture
26 Avenue du Président Herriot
26026 Valence Cedex 9
FRANCE

Website:

<http://www.ladrome.fr/fr/les-services/agriculture-et-environnement/agriculture/reglements-et-subsventions/index.html>

Other information: —

Aid No: XA 176/09

Member State: Hungary

Region: Entire country

Title of aid scheme or name of company receiving an individual aid: A Garantiqa Hitelgarancia Zrt. kedvezményes díjú készfizető kezességvállalása az 1857/2006/EK bizottsági rendelettel összhangban nyújtott hitelekhez

Legal basis:

— a kezességvállaló intézmény által csoportmentességi rendelet alapján vállalt kedvezményes díjú készfizető kezesség szabályairól szóló .../2009. (...) FVM rendelet

— 1857/2006/EK bizottsági rendelet.

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company:

Segment	% share	Annual guarantees under agri. block exemption, HUF million					
		2009	2010	2011	2012	2013	2009-2013
2.b.	20	800	1 600	2 600	3 400	4 000	12 400
3.b.	30	1 200	2 400	3 900	5 100	6 000	18 600
4.b.	50	2 000	4 000	6 500	8 500	10 000	31 000
Total	100	4 000	8 000	13 000	17 000	20 000	62 000
Guarantee EUR million		16	32	52	68	80	248
HUF/EUR exch. rate		250	250	250	250	250	250

Segment	Av. credit	HUF million annual No of guarantees under agri. block exemption, units					
		2009	2010	2011	2012	2013	2009-2013
2.b.	50	16	32	52	68	80	248
3.b.	100	12	24	39	51	60	186
4.b.	500	4	8	13	17	20	62
Total		32	64	104	136	160	496

Segment	Av. aid equiv.	EUR Annual aid equivalent of guarantees under agri. block exemption, EUR					
		2009	2010	2011	2012	2013	2009-2013
2.b.	456	7 296	14 592	23 712	31 008	36 480	113 088
3.b.	10 000	120 000	240 000	390 000	510 000	600 000	1 860 000
4.b.	96 000	384 000	768 000	1 248 000	1 632 000	1 920 000	5 952 000
Total		511 296	1 022 592	1 661 712	2 173 008	2 556 480	7 925 088

Maximum aid intensity:

— aid to young farmers for starting activities.

Pursuant to Articles 4 and 7 of Commission Regulation (EC) No 1857/2006.

Guarantee may be granted to credits that comply with the objectives of the provisions in Commission Regulation (EC) No 1857/2006. In the current programme commercial banks give guaranteed credits, without state resources, under market interest terms, without State aid (e.g. interest rate subsidy), so there is no aid included in the loan. Therefore the aid equivalent in the given measure is found only in the reduced fee guarantee of Garantiqa Hitelgarancia Zrt.

Garantiqa Hitelgarancia Zrt. examines and checks in every case whether the aid objective to which the credit has been granted complies with the requirements of Commission Regulation (EC) No 1857/2006. Garantiqa Hitelgarancia Zrt. verifies the maximum aid intensity depending on the item and the maximum amount of aid

Date of implementation: The aid programme shall be implemented after the summary information on the programme has been published in the *Official Journal of the European Union*

Duration of scheme or individual aid award: The guarantee agreement under the programme may be concluded up to 31 December 2013

Objective of aid:

Garantiqa Hitelgarancia Zrt. provides a guarantee according to Articles 4 and 7 of Commission Regulation (EC) No 1857/2006 in the framework of the guarantee programme for credits granted on the basis of the following items:

— investment in agricultural holdings,

Garantiqa Hitelgarancia Zrt. analyses the budget of the investment (financial-technical content) and provides a guarantee for the loan in the framework of an agricultural block exemption provided the eligible costs of the investment are in line with the provisions of Commission Regulation (EC) No 1857/2006

Sector(s) concerned: Agriculture (animal breeding, plant production)

Name and address of the granting authority:

Földművelésügyi és Vidékfejlesztési Minisztérium
Budapest
Kossuth Lajos tér 11.
1055
MAGYARORSZÁG/HUNGARY

Garantiqa Hitelgarancia Zrt.
Budapest
Szép u. 2.
1053
MAGYARORSZÁG/HUNGARY

Website:

<http://www.fvm.gov.hu/main.php?folderID=2376&articleID=14159&ctag=articlelist&iid=1>

Other information: —

Dr. András MÁHR
szakállamtitkár

Aid No: XA 184/09

Member State: Spain

Region: Comunitat Valenciana

Aid scheme: Asociación de Ovino-Caprino Lechero Valenciano, ASOCVAL

Legal basis: Resolución de la Consellera de Agricultura, Pesca y Alimentación, que concede la subvención basada en una línea nominativa descrita en la ley 17/2008 de presupuestos de la Generalitat.

Annual expenditure planned: EUR 10 000 in 2009

Maximum aid intensity: 100 % and 70 % for carrying out tests

Date of implementation: From the date on which the identification number of the exemption request is published on the website of the Commission's Directorate-General for Agriculture and Rural Development

Duration of scheme or individual aid award: 2009

Objective of aid:

To provide farmers with technical advice in order to improve ewe's milk and goat milk production in the Comunitat Valenciana (Articles 15 and 16 of Regulation (EC) No 1857/2006).

The eligible costs are those relating to services provided by third parties (maintaining IT applications, analysis of samples and technical advice to farmers), provided that the expenditure relates to implementation of the milk production improvement programme

Sector(s) concerned: Sheep and goat dairy farmers

Name and address of the granting authority:

Conselleria de Agricultura, Pesca y Alimentación
C/ Amadeo de Saboya, 2
46010 Valencia
ESPAÑA

Website:

http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/asocval2009.pdf

Other information: —

Aid No: XA 186/09

Member State: Spain

Region: Comunitat Valenciana

Aid scheme: Asociación de caballos de pura raza española (APREA).

Legal basis: Resolución de la Consellera de Agricultura, Pesca y Alimentación, que concede la subvención basada en una línea nominativa descrita en la ley 17/2008 de presupuestos de la Generalitat.

Annual expenditure planned: EUR 25 000 in 2009

Maximum aid intensity: 100 % of the eligible expenditure

Date of implementation: From the date on which the identification number of the exemption request is published on the website of the Commission's Directorate-General for Agriculture and Rural Development

Duration of scheme or individual aid award: 2009

Objective of aid:

To implement the Plan to promote thoroughbred horses bred in the Comunitat Valenciana (Articles 15 and 16 of Regulation (EC) No 1857/2006).

The eligible costs are those relating to the materials needed for maintaining the stud-book, services provided by third parties (compilation of genealogical charts and technical advice to farmers) (Article 16). They also include the costs of implementing the programme to encourage the use of thoroughbred horses and organising equestrian events for this purpose (Article 15)

Sector(s) concerned: Breeders and owners of Spanish thoroughbred horses

Name and address of the granting authority:

Conselleria de Agricultura, Pesca y Alimentación
C/ Amadeo de Saboya, 2
46010 Valencia
ESPAÑA

Website:

http://www.agricultura.gva.es/especiales/ayudas_agrarias/pdf/aprea09.pdf

Other information: —

Aid No: XA 187/09

Member State: Federal Republic of Germany

Region: Thüringen (DEG0)

Title of aid scheme or name of company receiving individual aid: Satzung über Beihilfen der Thüringer Tierseuchenkasse (Beihilfesatzung)

Legal basis:

— Artikel 7 Abs. 2 und Artikel 20 Thüringer Ausführungsgesetz zum Tierseuchengesetz (Thüringer Tierseuchengesetz — ThürTierSG —; GVBl. 2001, S. 43, letzte Fassung GVBl. 2005, S. 109)

— Satzung über Beihilfen der Thüringer Tierseuchenkasse (Beihilfesatzung)

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: Total aid of approximately EUR 2,62 million

Maximum aid intensity: Up to 100 %

Date of implementation: As of 1 July 2009, but not before the European Commission has issued an ID number

Duration of scheme or individual aid award: Until 31 December 2013

Objective of aid:

— compensation for costs incurred by farmers for health checks, tests and other screening measures, for the purchase and use of vaccines and medicinal products in connection with the prevention and eradication of animal diseases within the meaning of Article 10(7) of Regulation (EC) No 1857/2006,

— Article 10(1) of Regulation (EC) No 1857/2006,

— compensation for losses incurred by farmers due to animal diseases within the meaning of Article 10(7) of Regulation (EC) No 1857/2006,

— Article 10(2) of Regulation (EC) No 1857/2006.

Eligible costs: See Annex 1 to the Satzung über Beihilfen der Thüringer Tierseuchenkasse (Beihilfesatzung)

Sector(s) concerned: Cattle farming, pig farming, sheep farming, goat farming, horse rearing, beekeeping

Name and address of the granting authority:

Thüringer Tierseuchenkasse
Anstalt des öffentlichen Rechts
Victor-Goerttler-Straße 4
07745 Jena
DEUTSCHLAND

E-mail: direkt@thueringertierseuchenkasse.de

Website:

Satzung über Beihilfen der Thüringer Tierseuchenkasse (Beihilfesatzung):

<http://www.thueringertierseuchenkasse.de/download/beihilfesatzung%202009.pdf>

Other information: —

Aid No: XA 189/09

Objective of aid: Article 15(2)(d)(v) of Regulation (EC) No 1857/2006

Member State: Federal Republic of Germany

Sectors concerned: Animal breeding

Region: —

Name and address of the granting authority:

Title of aid scheme or name of company receiving individual aid: Erlass betreffend Verleihung von Ehrenpreisen des Bundesministeriums für Ernährung, Landwirtschaft und Verbraucherschutz (Bundesministerium) für hervorragende Leistungen

Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz
Wilhelmstraße 54
10117 Berlin
DEUTSCHLAND

Legal basis: Erlass betreffend Verleihung von Ehrenpreisen des Bundesministeriums für Ernährung, Landwirtschaft und Verbraucherschutz (Bundesministerium) für hervorragende Leistungen

Website:

Until 16 June 2009:

Annual expenditure planned under the scheme or overall amount of individual aid granted to the company: EUR 9 000

<http://www.bmelv.de/SharedDocs/downloads/14-WirUeberUns/Ehrenpreiserlass.pdf>

As of 17 June 2009:

Maximum aid intensity: 100 %

<http://www.bmelv.de/SharedDocs/Downloads/Ministerium/Ehrenpreiserlass.pdf>

Date of implementation: In accordance with Article 20(1) of Regulation (EC) No 1857/2006

Other information: The above-mentioned statutory instrument forms the legal basis for awarding symbolic prizes. The prizes themselves are bronze, silver and gold medals (e.g. awarded to breeding organisations at competitions) and may be accompanied by a monetary award.

Duration of scheme or individual aid award: Until 31 December 2013

V

(Announcements)

ADMINISTRATIVE PROCEDURES

COMMISSION

Call for proposals under the 2010 work programme 'People' of the 7th EC Framework Programme for Research, Technological Development and Demonstration Activities*(2009/C 213/07)*

Notice is hereby given of the launch of a call for proposals under the 2010 work programme 'People' of the 7th Framework Programme of the European Community for Research, Technological Development and Demonstration Activities (2007 to 2013).

Proposals are invited for the following call. Call deadline and budget are given in the call text, which is published on the CORDIS website.

'People' Specific Programme:

Call Identifier: FP7-PEOPLE-2010-ITN

This call for proposals relates to the 2010 work programme adopted by Commission Decision C(2009) 5892 of 29.7.2009.

Information on the modalities of the call, the work programme, and the guide for applicants on how to submit proposals is available through the CORDIS website: <http://cordis.europa.eu/fp7/calls/>

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

COMMISSION

Notice of initiation of an anti-dumping proceeding concerning imports of high tenacity yarn of polyesters originating in the People's Republic of China, the Republic of Korea and Taiwan

(2009/C 213/08)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation), alleging that imports of high tenacity yarn of polyesters, originating in the People's Republic of China, the Republic of Korea and Taiwan (the countries concerned), are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 27 July 2009 by CIRFS — European Man-made Fibres Association (the complainant) on behalf of producers representing a major proportion, in this case more than 60 % of the total Community production of high tenacity yarn of polyesters.

2. Product

The product allegedly being dumped is high tenacity yarn of polyesters (other than sewing thread), not put up for retail sale, including monofilament of less than 67 decitex originating in the People's Republic of China, the Republic of Korea and Taiwan (the product concerned), currently falling within CN code 5402 20 00. This CN code is given only for information.

3. Allegation of dumping

The allegation of dumping for the Republic of Korea and Taiwan is based on a comparison of a constructed normal value with the export prices of the product concerned when sold for export to the Community.

In view of the provisions of Article 2(7) of the basic Regulation, the complainant established normal value for the People's Republic of China on the basis of a constructed normal value in the market economy country, which is mentioned in point 5.1(d). The allegation of dumping is based on a comparison of normal value, thus calculated, with the export prices of the product concerned when sold for export to the Community.

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

4. Allegation of injury

The complainant has provided prima facie evidence that imports of the product concerned from the People's Republic of China, the Republic of Korea and Taiwan have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the market share held, the quantities sold and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, and in particular on the profitability and the employment situation of the Community industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community 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.

5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in the People's Republic of China, the Republic of Korea and Taiwan is being dumped and whether this dumping has caused 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.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

(i) Sampling for exporters/producers in the People's Republic of China and the Republic of Korea

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers in the People's Republic of China and the Republic of Korea, 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 format 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 Community during the period 1 July 2008 to 30 June 2009 for each of the 27 Member States separately and in total,
- the turnover in local currency and the volume in tonnes of sales of the product concerned on the domestic market during the period 1 July 2008 to 30 June 2009,
- the precise activities of the company worldwide with regard to the production of the product concerned,
- the names and the precise activities of all related companies ⁽²⁾ involved in the production and/or selling (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 the People's Republic of China and the Republic of Korea, and any known associations of exporters/producers.

Since a company cannot be certain that it will be selected in the sample, exporters/producers that wish to claim an individual margin pursuant to Article 17(3) of the basic Regulation are advised to request a questionnaire and the market economy treatment and/or individual treatment (MET/IT) claim form within the deadline foreseen in point 6(a)(i) of this notice, and file these within the deadlines specified in point 6(a)(ii) first paragraph and 6(d) respectively of this notice. However, attention is drawn to the last sentence of point 5.1(b) of this notice.

(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 total turnover in euro of the company during the period 1 July 2008 to 30 June 2009,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volume in tonnes and value in euro of imports into and resales made in the Community market during the period 1 July 2008 to 30 June 2009 of the imported product concerned originating in the People's Republic of China, the Republic of Korea and Taiwan,
- the names and the precise activities of all related companies ⁽³⁾ involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

⁽²⁾ 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).

⁽³⁾ See footnote 2.

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 to not 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) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the sample 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 Community industry and to any known association of producers in the Community, to the sampled exporters/producers in the People's Republic of China and the Republic of Korea, to the exporters/producers in Taiwan, to any known association of exporters/producers, to the sampled importers, to any known association of importers, and to the authorities of the exporting countries concerned.

(i) Exporters/producers in Taiwan

Exporters/producers in Taiwan should contact the Commission forthwith by fax, but not later than the time limit set out in point 6(a)(i), 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 point 6(a)(ii) applies to all such interested parties.

(ii) Exporters/producers claiming an individual margin in the People's Republic of China and the Republic of Korea

Exporters/producers in the People's Republic of China and the Republic of Korea claiming an individual margin, with a view to the application of Articles 17(3) and 9(6) of the basic Regulation, must submit a completed questionnaire within the time limit set in point 6(a)(ii) of this notice. They therefore have to request a questionnaire within the time limit set in point 6(a)(i). However, such parties should be aware that if sampling is applied to exporters/producers, the Commission may nonetheless decide not to calculate an individual margin for them, if the number of exporters/producers is so large that individual examination would be unduly burdensome and would prevent the timely completion of the investigation.

(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 has to 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).

(d) Selection of the market economy country

In accordance with Article 2(7)(a) of the basic Regulation, it is envisaged to choose the United States of America as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in point 6(c).

(e) Market economy treatment and individual treatment claims

For those exporters/producers in the People's Republic of China who claim and provide sufficient evidence that they operate under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. Exporters/producers intending to submit duly substantiated claims must do so within the specific time limit set in point 6(d). The Commission will send claim forms to all exporters/producers in the People's Republic of China who have either been included in the sample or named in the complaint and to any association of exporters/producers named in the complaint, as well as to the authorities of the People's Republic of China. This claim form may also be used by the applicant to claim individual treatment, i.e. that it meets the criteria laid down in Article 9(5) of the basic Regulation.

5.2. Procedure for assessment of Community interest

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Commission may send questionnaires to the known Community 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 precedent sentence may request a hearing setting 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 or other claim forms

All interested parties should request a questionnaire or other claim forms as soon as possible, but not later than 10 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 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. All exporters/producers concerned by this proceeding, who wish to apply for individual examination in accordance with Article 17(3) of the basic Regulation, must also submit a questionnaire reply within 40 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 limits specified in point 6(b)(iii).

(iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

(b) Specific time limit in respect of sampling

- (i) The information specified in point 5.1(a)(i) and 5.1(a)(ii) 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)(ii) 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.

(c) Specific time limit for the selection of the market economy country

Parties to the investigation may wish to comment on the appropriateness of the United States of America which, as mentioned in point 5.1(d), is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

(d) Specific time limit for submission of claims for market economy and/or for individual treatment

Duly substantiated claims for market economy treatment (as mentioned in point 5.1(e)) and/or for individual treatment pursuant to Article 9(5) of the basic Regulation, must reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, 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' ⁽⁴⁾ 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 B
Office: N-105 04/092
1049 Brussels
BELGIUM
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, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

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

9. 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*.

10. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and 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 ⁽⁵⁾.

11. 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 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 Directorate-General for Trade (<http://ec.europa.eu/trade>).

⁽⁴⁾ 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).

⁽⁵⁾ OJ L 8, 12.1.2001, p. 1.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

COMMISSION

Prior notification of a concentration

(Case COMP/M.5623 — Bridgepoint/TÜV SÜD/Dogus/Targets)

Candidate case for simplified procedure

(Text with EEA relevance)

(2009/C 213/09)

1. On 1 September 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾ by which Test Tasit, a newly incorporated company that is ultimately solely controlled by Bridgepoint Capital Group Limited ('Bridgepoint', UK) acquires, within the meaning of Article 3(1)(b) of the Council Regulation, by way of purchase of shares: (i) joint control together with two of the existing ultimate parent companies TÜV SÜD A.G. ('TÜV SÜD', Germany) and Doğuş Holding A.Ş. (Turkey) of TÜVTURK Kuzey Taşıt Muayene İstasyonları Yapım ve İşletim A.Ş. ('TÜVTURK Kuzey', Turkey), TÜVTURK Güney Taşıt Muayene İstasyonları Yapım ve İşletim A.Ş. ('TÜVTURK Güney', Turkey) and TÜVTURK İstanbul Taşıt Muayene İstasyonları Yapım ve İşletim A.Ş. ('TÜVTURK İstanbul', Turkey), (ii) sole control of Adana İçel Hatay Araç Muayene Hizmetleri Yapım ve İşletim A.Ş. ('Adana', Turkey).

2. The business activities of the undertakings concerned are:

- Bridgepoint: private equity investor in companies active in a wide range of sectors including financial services, healthcare and media,
- TÜV SÜD: holding company of an international group specialising in the provision of technical services relating to vehicles inspection and other services,
- Doğuş: holding company active in seven core business sectors principally in Turkey, namely financial services, automotive, construction, media, tourism, real estate and energy,
- Targets: (i) TÜVTURK Kuzey and TÜVTURK Güney: holders of concession rights for the provision of vehicle inspection services in Turkey; (ii) TÜVTURK İstanbul and Adana: sub-contractors of TÜVTURK Kuzey and TÜVTURK Güney respectively for the provision of vehicle inspections in Turkey.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.

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 or 22967244) or by post, under reference number COMP/M.5623 — Bridgepoint/TÜV SÜD/Dogus/Targets, to the following address:

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

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

Commission

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PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

Commission

2009/C 213/09	Prior notification of a concentration (Case COMP/M.5623 — Bridgepoint/TÜV SÜD/Dogus/Targets) — Candidate case for simplified procedure ⁽¹⁾	21
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⁽¹⁾ Text with EEA relevance

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