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## Information and Notices

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

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



## I

*(Resolutions, recommendations and opinions)*

## OPINIONS

## EUROPEAN COMMISSION

## COMMISSION OPINION

of 7 November 2017

**relating to the plan for the disposal of radioactive waste arising from the Neckarwestheim SAL-N radioactive waste storage facility, located in the *Land* of Baden-Württemberg, Germany****(Only the German text is authentic)**

(2017/C 377/01)

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation <sup>(1)</sup>.

On 10 May 2017, the European Commission received from the Government of Germany, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste <sup>(2)</sup> arising from the Neckarwestheim SAL-N radioactive waste storage facility.

On the basis of these data and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance between the site and the nearest border with another Member State, in this case France is 69 km.
2. During normal operation of the Neckarwestheim SAL-N radioactive waste storage facility, the discharge of gaseous radioactive effluents is not liable to cause an exposure of the population in another Member State that would be significant from the point of view of health, in respect of the dose limits laid down in the Basic Safety Standards Directives <sup>(3)</sup>.
3. During normal operation, the Neckarwestheim SAL-N radioactive waste storage facility will not discharge liquid radioactive effluents into the environment.
4. Solid radioactive waste is temporarily stored on site before shipment to licensed treatment or disposal facilities located in Germany.
5. In the event of unplanned releases of radioactive effluents that may follow the accidents of the type and magnitude considered in the General Data, the doses likely to be received by the population of another Member State would not be significant from the point of view of health, in respect of the reference levels laid down in the Basic Safety Standards Directives.

<sup>(1)</sup> For instance, under the Treaty on the Functioning of the European Union, environmental aspects should be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU; to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, as well as to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and to Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

<sup>(2)</sup> The disposal of radioactive waste in the meaning of point 1 of Commission Recommendation 2010/635/Euratom of 11 October 2010 on the application of Article 37 of the Euratom Treaty (OJ L 279, 23.10.2010, p. 36).

<sup>(3)</sup> Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (OJ L 159, 29.6.1996, p. 1) and Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation; repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1) with effect from 6 February 2018.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the Neckarwestheim SAL-N radioactive waste storage facility, located in the *Land* of Baden-Württemberg, Germany, both in normal operation and in the event of the accidents of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State, in respect of the provisions laid down in the Basic Safety Standards Directives.

Done at Brussels, 7 November 2017.

*For the Commission*

Miguel ARIAS CAÑETE

*Member of the Commission*

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**COMMISSION OPINION****of 7 November 2017****relating to the plan for the disposal of radioactive waste arising from the Philippsburg SAL-P radioactive waste storage facility, located in the *Land* of Baden-Württemberg, Germany****(Only the German text is authentic)****(2017/C 377/02)**

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation <sup>(1)</sup>.

On 10 May 2017, the European Commission received from the Government of Germany, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste <sup>(2)</sup> arising from the Philippsburg SAL-P radioactive waste storage facility.

On the basis of these data and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance between the site and the nearest border with another Member State, in this case France is 35 km.
2. During normal operation of the Philippsburg SAL-P radioactive waste storage facility, the discharge of gaseous radioactive effluents is not liable to cause an exposure of the population in another Member State that would be significant from the point of view of health, in respect of the dose limits laid down in the Basic Safety Standards Directives <sup>(3)</sup>.
3. During normal operation, the Philippsburg SAL-P radioactive waste storage facility will not discharge liquid radioactive effluents into the environment.
4. Solid radioactive waste is temporarily stored on site before shipment to licensed treatment or disposal facilities located in Germany.
5. In the event of unplanned releases of radioactive effluents that may follow the accidents of the type and magnitude considered in the General Data, the doses likely to be received by the population of another Member State would not be significant from the point of view of health, in respect of the reference levels laid down in the Basic Safety Standards Directives.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the Philippsburg SAL-P radioactive waste storage facility, located in the *Land* of Baden-Württemberg, Germany, both in normal operation and in the event of the accidents of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State, in respect of the provisions laid down in the Basic Safety Standards Directives.

Done at Brussels, 7 November 2017.

*For the Commission*

Miguel ARIAS CAÑETE

*Member of the Commission*

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<sup>(1)</sup> For instance, under the Treaty on the Functioning of the European Union, environmental aspects should be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU; to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, as well as to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and to Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

<sup>(2)</sup> The disposal of radioactive waste in the meaning of point 1 of Commission Recommendation 2010/635/Euratom of 11 October 2010 on the application of Article 37 of the Euratom Treaty (OJ L 279, 23.10.2010, p. 36).

<sup>(3)</sup> Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (OJ L 159, 29.6.1996, p. 1) and Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation; repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1) with effect from 6 February 2018.

**COMMISSION OPINION****of 7 November 2017****relating to the plan for the disposal of radioactive waste arising from the Philippsburg RBZ-P radioactive waste treatment facility, located in the Land of Baden-Württemberg, Germany****(Only the German text is authentic)****(2017/C 377/03)**

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation <sup>(1)</sup>.

On 27 April 2017, the European Commission received from the Government of Germany, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste <sup>(2)</sup> arising from the Philippsburg RBZ-P radioactive waste treatment facility.

On the basis of these data and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance between the site and the nearest border with another Member State, in this case France, is 35 km.
2. During normal operations of the Philippsburg RBZ-P radioactive waste treatment facility, the discharges of liquid and gaseous radioactive effluents are not liable to cause an exposure of the population in another Member State that would be significant from the point of view of health, in respect of the dose limits laid down in the Basic Safety Standards Directives <sup>(3)</sup>.
3. Solid radioactive waste is temporarily stored on site before shipment to licensed treatment or disposal facilities located in Germany.
4. In the event of unplanned releases of radioactive effluents that may follow the accidents of the type and magnitude considered in the General Data, the doses likely to be received by the population of another Member State would not be significant from the point of view of health, in respect of the reference levels laid down in the Basic Safety Standards Directives.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the Philippsburg RBZ-P radioactive waste treatment facility, located in the Land of Baden-Württemberg, Germany, both in normal operation and in the event of the accidents of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State, in respect of the provisions laid down in the Basic Safety Standards Directives.

Done at Brussels, 7 November 2017.

*For the Commission*

Miguel ARIAS CAÑETE

*Member of the Commission*

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<sup>(1)</sup> For instance, under the Treaty on the Functioning of the European Union, environmental aspects should be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU; to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, as well as to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and to Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

<sup>(2)</sup> The disposal of radioactive waste in the meaning of point 1 of Commission Recommendation 2010/635/Euratom of 11 October 2010 on the application of Article 37 of the Euratom Treaty (OJ L 279, 23.10.2010, p. 36).

<sup>(3)</sup> Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (OJ L 159, 29.6.1996, p. 1) and Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation; repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1) with effect from 6 February 2018.



## II

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

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case M.8643 — Legend Holdings Corporation/Banque Internationale à Luxembourg)****(Text with EEA relevance)**

(2017/C 377/04)

On 31 October 2017, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 <sup>(1)</sup>. 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/homepage.html?locale=en>) under document number 32017M8643. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration****(Case M.7764 — EDF/Areva reactor business)****(Text with EEA relevance)**

(2017/C 377/05)

On 29 May 2017, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 <sup>(1)</sup>. The full text of the decision is available only in French and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes.
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/homepage.html?locale=en>) under document number 32017M7764. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration**  
**(Case M.8452 — Suez/GE Water & Process Technologies)**  
**(Text with EEA relevance)**  
(2017/C 377/06)

On 19 July 2017, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 <sup>(1)</sup>. 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/homepage.html?locale=en>) under document number 32017M8452. EUR-Lex is the online access to European law.
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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

## IV

(Notices)

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

## EUROPEAN COMMISSION

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

8 November 2017

(2017/C 377/07)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,1590	CAD Canadian dollar	1,4753
JPY Japanese yen	131,54	HKD Hong Kong dollar	9,0363
DKK Danish krone	7,4434	NZD New Zealand dollar	1,6724
GBP Pound sterling	0,88405	SGD Singapore dollar	1,5786
SEK Swedish krona	9,7288	KRW South Korean won	1 290,33
CHF Swiss franc	1,1581	ZAR South African rand	16,4417
ISK Iceland króna		CNY Chinese yuan renminbi	7,6838
NOK Norwegian krone	9,4730	HRK Croatian kuna	7,5390
BGN Bulgarian lev	1,9558	IDR Indonesian rupiah	15 667,36
CZK Czech koruna	25,560	MYR Malaysian ringgit	4,8960
HUF Hungarian forint	311,85	PHP Philippine peso	59,388
PLN Polish zloty	4,2341	RUB Russian rouble	68,7166
RON Romanian leu	4,6280	THB Thai baht	38,374
TRY Turkish lira	4,5050	BRL Brazilian real	3,7662
AUD Australian dollar	1,5094	MXN Mexican peso	22,1015
		INR Indian rupee	75,3205

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

## NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY

**State aid — Decision to raise no objections**

(2017/C 377/08)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

<b>Date of adoption of the decision:</b>	25 July 2017
<b>Case No:</b>	80833
<b>Decision No:</b>	145/17/COL
<b>EFTA State:</b>	Norway
<b>Region:</b>	Akershus
<b>Title:</b>	Operating aid scheme for hydrogen refuelling stations in the county of Akershus
<b>Legal basis:</b>	The County Council's Hydrogen Strategy for 2014-2025 adopted on 17 March 2014, the Action Plan for Akershus 2015-2016 and Guidelines for the scheme adopted by the County Council.
<b>Type of measure:</b>	Scheme
<b>Objective:</b>	Environmental protection
<b>Form of aid:</b>	Direct grants
<b>Budget:</b>	NOK 5 million per year
<b>Duration:</b>	5 years
<b>Economic sectors:</b>	Retail services
<b>Name and address of the granting authority:</b>	Akershus County Council
<b>Other information:</b>	

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: <http://www.eftasurv.int/state-aid/state-aid-register/>

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**State aid — Decision to raise no objections**

(2017/C 377/09)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

<b>Date of adoption of the decision:</b>	8 August 2017
<b>Case No:</b>	80872
<b>Decision No:</b>	146/17/COL
<b>EFTA State:</b>	Norway
<b>Region:</b>	The county of Hordaland
<b>Title (and/or name of the beneficiary):</b>	Continued financing of CO <sub>2</sub> Technology Centre Mongstad
<b>Legal basis:</b>	The budget for 2017 (Meld. St. 1 (2016-2017), Innst. 2 S (2016-2017))
<b>Type of measure:</b>	Individual aid
<b>Objective:</b>	Environmental protection
<b>Form of aid:</b>	Grant, Other
<b>Budget:</b>	NOK 652 million
<b>Intensity:</b>	81 %
<b>Duration:</b>	2017 - 2020
<b>Economic sectors:</b>	Electricity, gas and water supply
<b>Name and address of the granting authority:</b>	Gassnova SF Dokkvegen 10 NO-3920 Porsgrunn NORWAY  Ministry of Petroleum and Energy Akersgata 59, 0033 Oslo PO Box 8148 Dep. NO-0033 Oslo NORWAY

**Other information:**

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: <http://www.eftasurv.int/state-aid/state-aid-register/>

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## V

*(Announcements)*

## ADMINISTRATIVE PROCEDURES

## EUROPEAN PERSONNEL SELECTION OFFICE (EPSO)

**NOTICE OF OPEN COMPETITION**

(2017/C 377/10)

The European Personnel Selection Office (EPSO) is organising the following open competition:

EPSO/AST-SC/06/17 — SECRETARIES/CLERKS (SC 1 & SC 2)

The competition notice is published in 24 languages in *Official Journal of the European Union* C 377 A of 9 November 2017.

Further information can be found on the EPSO website: <https://epso.europa.eu/>

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

### EUROPEAN COMMISSION

#### **Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain aluminium radiators originating in the People's Republic of China**

(2017/C 377/11)

Following the publication of a Notice of impending expiry <sup>(1)</sup> of the anti-dumping measures in force on the imports of certain aluminium radiators originating in the People's Republic of China, the European Commission ('the Commission') has received a request for review under Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union <sup>(2)</sup> ('the basic Regulation').

#### **1. Request for review**

The request was lodged on 30 June 2017 by the International Association of Aluminium Radiator Manufacturers Limited Liability Consortium (AIRAL S.c.r.l.) ('the applicant') on behalf of producers representing more than 25 % of the total Union production of certain aluminium radiators.

#### **2. Product under review**

The product subject to this review is aluminium radiators and elements or sections of which such radiator is composed, whether or not such elements are assembled in blocks, excluding radiators and elements and sections thereof of the electrical type, currently falling within CN codes ex 7615 10 10, ex 7615 10 80, ex 7616 99 10 and ex 7616 99 90 (TARIC codes 7615 10 10 10, 7615 10 80 10, 7616 99 10 91, 7616 99 90 01 and 7616 99 90 91).

#### **3. Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 1039/2012 <sup>(3)</sup> imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of aluminium radiators originating in the People's Republic of China.

#### **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 of injury to the Union industry.

##### **4.1. Allegation of likelihood of continuation of dumping**

The allegation of likelihood of continuation of dumping is based on a comparison of the normal value with the export price (at ex-works level) of the product under review when sold for export to the Union.

The information available to the Commission contains a comparison of the normal value with the export price (at ex-works level) of the product under review when sold for export to the Union.

On this basis the dumping margin calculated is significant for the country concerned.

##### **4.2. Allegation of likelihood of recurrence of injury**

The applicant alleges the likelihood of recurrence of injury. In this respect, the applicant has provided *prima facie* evidence that, should measures be allowed to lapse, the current import level of the product under review from the country concerned to the Union is likely to increase due to the existence of unused capacity in the People's Republic of China, and because the Union market is still attractive in terms of volume and prices.

<sup>(1)</sup> OJ C 48, 15.2.2017, p. 10.

<sup>(2)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(3)</sup> OJ L 310, 9.11.2012, p. 1.

The applicant alleges that the removal of injury has been mainly due to the existence of measures and that any recurrence of substantial imports at dumped prices from the country concerned would likely lead to a recurrence of injury to the Union industry should measures be allowed to lapse.

## 5. Procedure

Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, 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.

The expiry review will determine whether the expiry of the measures would be likely to lead to a continuation or recurrence of dumping of the product under review originating in the country concerned and a continuation or recurrence of injury to the Union industry.

### 5.1. Review investigation period and period considered

The investigation of a continuation or recurrence of dumping will cover the period from 1 October 2016 to 30 September 2017 ('the review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury will cover the period from 1 January 2014 to the end of the investigation period ('the period considered').

### 5.2. Procedure for the determination of a likelihood of continuation or recurrence of dumping

Exporting producers<sup>(1)</sup> of the product under review from the country concerned, including those that did not cooperate in the investigations leading to the measures in force, are invited to participate in the Commission investigation.

#### 5.2.1. Investigating exporting producers

Procedure for selecting exporting producers to be investigated in the People's Republic of China

##### Sampling

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

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

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

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

If a sample is necessary, the exporting producers will be selected based on the largest representative volume of production, sales or exports which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers and to the authorities of the People's Republic of China.

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<sup>(1)</sup> An exporting producer is any company in the country concerned which produces and exports the product under review 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 under review.



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

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers').

#### 5.2.2. *Additional procedure with regard to exporting producers in the People's Republic of China*

In accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the People's Republic of China, normal value is normally determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including the Union, or where those are not possible, on any other reasonable basis, including the price actually paid or payable in the Union for the like product, duly adjusted if necessary to include a reasonable profit margin.

For this purpose, the Commission will select an appropriate market economy third country.

In the previous investigation, prices in the Union were used for the purpose of establishing normal value for the People's Republic of China. For the purpose of the current investigation, the Commission has provisionally chosen Russia as an appropriate market economy third country. According to the information available to the Commission, other market economy producers may be located in Turkey, Taiwan, Malaysia, Iran, Argentina and Ukraine.

With the aim of finally selecting the market economy third country, the Commission will examine whether there is production and sales of the product under review in those market economy third countries for which there are indications that production of the product under review is taking place. Interested parties are hereby invited to comment on the choice of the market economy third country within 10 days of the date of publication of this Notice in the *Official Journal of the European Union*.

#### 5.2.3. *Investigating unrelated importers* <sup>(1)</sup> <sup>(2)</sup>

Unrelated importers of the product under review from the People's Republic of China to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this expiry review 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, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, are hereby requested to make themselves known to the Commission. These parties must 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 information on their company(ies) requested in Annex II to this Notice.

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

<sup>(1)</sup> Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party 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 control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). 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. In this context 'person' means any natural or legal person. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1), 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts.

<sup>(2)</sup> The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

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 review 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.

### **5.3. Procedure for the determination of a likelihood of a continuation or recurrence of injury**

In order to establish whether there is a likelihood of a continuation or recurrence of injury to the Union industry, Union producers of the product under review are invited to participate in the Commission investigation.

#### **5.3.1. Investigating Union producers**

In view of the large number of Union producers involved in this expiry review and in order to complete the investigation within the statutory 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 5.7 below). Other Union producers, or representatives acting on their behalf, including Union producers who did not cooperate in the investigation(s) leading to the measures in force, that consider that there are reasons why they should be included in the sample must contact the Commission within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*.

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

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

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known associations 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.

### **5.4. Procedure for the assessment of Union interest**

Should the likelihood of continuation or recurrence of dumping and injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the anti-dumping measures would not 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 review.

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.

### **5.5. 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 must reach the Commission within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*.

#### 5.6. *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 must be made in writing and must 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 the specific deadlines set by the Commission in its communication with the parties.

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

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing (a) the Commission to use the information and data for the purpose of this trade defence proceeding and (b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' <sup>(1)</sup>.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it under Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must 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 information may be disregarded.

Interested parties are invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of large replies which may be submitted on a CD-ROM or DVD by hand or by registered mail.

By using email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: [http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc\\_148003.pdf](http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf)

The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate H  
Office: CHAR 04/039  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

Emails:

TRADE-R676-ALUMINIUM-RADIATORS-DUMPING@ec.europa.eu  
TRADE-R676-ALUMINIUM-RADIATORS-INJURY@ec.europa.eu

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

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

<sup>(1)</sup> A 'Limited' document is a document which is considered confidential under 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). It is also a document protected under 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.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

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

Interested parties may request the intervention of the Hearing Officer in trade proceedings. 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 regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

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

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/trade-policy-and-you/contacts/hearing-officer/>

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

The investigation will be concluded, under 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*.

#### **9. 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 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 interested party considers that a review of the measures is warranted so as to allow for the possibility to amend the measures, that party may request a review under 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.

#### **10. 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 of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup>.

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

## ANNEX I

- ☐ 'Limited' version <sup>(1)</sup>  
☐ Version 'For inspection by interested parties'  
 (tick the appropriate box)

**ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN ALUMINIUM RADIATORS ORIGINATING  
IN THE PEOPLE'S REPUBLIC OF CHINA**

**INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN THE PEOPLE'S  
REPUBLIC OF CHINA**

This form is designed to assist exporting producers in the People's Republic of China in responding to the request for sampling information made in point 5.2.1 of the Notice of Initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the Notice of Initiation by email to [TRADE-R676-ALUMINIUM-RADIATORS-DUMPING@ec.europa.eu](mailto:TRADE-R676-ALUMINIUM-RADIATORS-DUMPING@ec.europa.eu)

**1. IDENTITY AND CONTACT DETAILS**

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone	
Website	

**2. TURNOVER, SALES VOLUME, PRODUCTION AND PRODUCTION CAPACITY**

Please complete Table I below, showing the turnover in the accounting currency of the company during the review investigation period 1 October 2016 – 30 September 2017 for export sales to the Union (for each of the 28 Member States <sup>(2)</sup> separately and in total), export sales to the rest of the world and domestic sales, of aluminium radiators as defined in the Notice of Initiation and the corresponding number of elements and weight in kilograms. State the currency used.

*Table I*

**Turnover, sales quantity**

	Unit of measurement: Elements		Unit of measurement: Kilograms	Value in accounting currency Specify the currency used
Export sales to the Union, for each of the 28 Member States separately and in total, of the product under review, manufactured by your company	Total:			
	Name each Member State <sup>(1)</sup> :			

<sup>(1)</sup> This document is for internal use only. It is protected under Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document under Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

<sup>(2)</sup> The 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

	Unit of measurement: Elements	Unit of measurement: Kilograms	Value in accounting currency Specify the currency used
Export sales of the product under review, manufactured by your company to the rest of the world	Total:		
	Name the 5 biggest importing countries and give the respective volumes and values <sup>(2)</sup>		
Domestic sales of the product under review, manufactured by your company			

(<sup>1</sup>) The 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

(<sup>2</sup>) Add additional rows where necessary.

Table II

### Production and production capacity

Please complete Table II below, showing the production and production capacity of aluminium radiators as defined in the Notice of Initiation during the review investigation period 1 October 2016 – 30 September 2017 and the corresponding number of elements and weight in kilograms.

	Unit of measurement: Elements	Unit of measurement: Kilograms
Your company's overall production of the product under review		
Your company's production capacity of the product under review		

### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES (<sup>1</sup>)

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under sub-contracting arrangements, or processing or trading the product under review.

Company name and location	Activities	Relationship

(<sup>1</sup>) In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party 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 control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). 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. In this context 'person' means any natural or legal person. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1), 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts.

#### 4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

## 5. CERTIFICATION

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 involve completing a questionnaire and accepting a visit at its premises in order to verify 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 Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

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## ANNEX II

- |                            |  |
|----------------------------|--|
| <input type="checkbox"/>   | 'Limited' version <sup>(1)</sup>               |
| <input type="checkbox"/>   | Version 'For inspection by interested parties' |
| (tick the appropriate box) |  |

**ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN ALUMINIUM RADIATORS ORIGINATING  
IN THE PEOPLE'S REPUBLIC OF CHINA**

**INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS IN THE EUROPEAN UNION**

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.2.3 of the Notice of Initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the Notice of Initiation to the email address TRADE-R676-ALUMINIUM-RADIATORS-INJURY@ec.europa.eu

**1. IDENTITY AND CONTACT DETAILS**

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone	
Website	

**2. TURNOVER AND SALES VOLUME**

For the review investigation period defined in section 5.1 of the Notice (1 October 2016 – 30 September 2017), please indicate the total turnover in euros (EUR) of the company, and for aluminium radiators as defined in the Notice of Initiation, the turnover, number of elements and weight in kilograms, for imports into the Union <sup>(2)</sup> and resales on the Union market after importation from the People's Republic of China.

	Unit of measurement: Elements	Unit of measurement: Kilograms	Value in euros (EUR)
Total turnover of your company in euros (EUR)			
Imports of the product under review into the Union			
Resales on the Union market after importation from the People's Republic of China of the product under review			

<sup>(1)</sup> This document is for internal use only. It is protected under Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document under Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

<sup>(2)</sup> The 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.



**3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES <sup>(1)</sup>**

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under sub-contracting arrangements, or processing or trading the product under review.

Company name and location	Activities	Relationship

**4. OTHER INFORMATION**

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

**5. CERTIFICATION**

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 involve completing a questionnaire and accepting a visit at its premises in order to verify 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 Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

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<sup>(1)</sup> In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party 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 control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). 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. In this context 'person' means any natural or legal person. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1), 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts.

## PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

### EUROPEAN COMMISSION

**Prior notification of a concentration**  
**(Case M.8594 — COSCO SHIPPING/OOIL)**  
**(Text with EEA relevance)**  
(2017/C 377/12)

1. On 27 October 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- COSCO SHIPPING Holdings Co., Ltd ('COSCO SHIPPING', China),
- Orient Overseas (International) Limited ('OOIL', Bermuda).

COSCO SHIPPING acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of OOIL.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for COSCO SHIPPING: provides a wide range of container shipping and terminal services through its various subsidiaries,
- for OOIL: active in the fields of container shipping under the trade name OOCL, logistics services and terminal services.

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

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

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.8594 — COSCO SHIPPING/OOIL

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

E-mail: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

**Prior notification of a concentration**  
**(Case M.8683 — Apollo Capital Management L.P./Intertoys Holding B.V.)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
**(2017/C 377/13)**

1. On 25 October 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- Apollo Management, L.P. ('Apollo' or 'Apollo Group'),
- Intertoys Holding B.V. ('Intertoys Group').

Investment funds managed by affiliates of Apollo Management, L.P. acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over Intertoys Holding B.V. ('Intertoys Group').

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Apollo: investment in companies and debt issued by companies active in various businesses throughout the world, by means of investment funds managed by the group. Examples of current investments include, inter alia, companies in the chemical, cruise line, hospital, security, financial services and glass packaging businesses.
- Intertoys Group: retail sale of a broad range of traditional toys and an up-to-date selection of multimedia items and gifts via physical stores and online websites in the Netherlands, Germany, Luxembourg and Belgium.

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

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.8683 — Apollo Capital Management L.P./Intertoys Holding B.V.

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

**Prior notification of a concentration**  
**(Case M.8618 — OMV/VERBUND/SMATRICS/E-Mobility Provider)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2017/C 377/14)

1. On 26 October 2017, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- OMV Aktiengesellschaft (Austria),
- VERBUND AG (Austria),
- SMATRICS GmbH & Co KG (Austria),
- E-Mobility Provider Austria GmbH (Austria), as unlimited partner of SMATRICS GmbH & Co KG.

OMV and VERBUND acquire indirectly, within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation, joint control of the whole of the undertakings SMATRICS GmbH & Co KG and E-Mobility Provider Austria GmbH.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- OMV Aktiengesellschaft: exploration and production of oil and natural gas, the processing and sale of crude oil products (including petrochemical products) and the import and distribution of natural gas.
- VERBUND AG: electricity supply company involved in generating and transmitting electricity, and in electricity trading.
- SMATRICS GmbH & Co KG and E-Mobility Provider Austria GmbH: provision of services to users of electric vehicles, in particular charging infrastructure, electricity from renewable sources and information services. SMATRICS offers a package of electromobility services to private and commercial users of electric vehicles.

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

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 <sup>(2)</sup>, 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 to it their observations on the proposed operation.

Observations must reach the Commission no later than 10 days following the date of publication of this notification. The following reference should always be specified:

M.8618 — OMV/VERBUND/SMATRICS/E-Mobility Provider

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

**Prior notification of a concentration**  
**(Case M.8662 — Total/Mærsk Olie og Gas)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2017/C 377/15)

1. On 25 October 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- Total SA (France),
- Mærsk Olie og Gas A/S (Denmark), belonging to the group A.P. Møller-Mærsk A/S (Denmark).

Total SA acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Mærsk Olie og Gas A/S.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Total SA is an international integrated energy producer and provider, active in all sectors of the oil and gas industry, as well as in power generation,
- Mærsk Olie og Gas A/S is an oil and gas company active in the exploration, production and trading of crude oil and natural gas.

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

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.8662 — Total/Mærsk Olie og Gas

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

**Prior notification of a concentration**  
**(Case M.8687 — Prisko/OKD Nástupnická)**  
**(Text with EEA relevance)**  
(2017/C 377/16)

1. On 30 October 2017, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- Prisko a.s ('Prisko', Czech Republic)
- OKD Nástupnická a.s ('OKD', Czech Republic)

Prisko acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of OKD. The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Prisko manages assets of the the Ministry of Finance of the Czech Republic,
- OKD is active in the the market of extraction and sale of coal.

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

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

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.8687 — Prisko/OKD Nástupnická

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

## OTHER ACTS

## EUROPEAN COMMISSION

**Notice for the attention of the shipowner of the vessel LYNN S, which is designated by the list referred to in point (h) of Article 1 and in Article 15 of Council Regulation (EU) 2016/44, imposing certain specific restrictive measures directed against vessels by the Sanctions Committee or the UN Security Council in accordance with paragraph 11 of United Nations Security Council Resolution (UNSCR) 2146 (2014). The listing has been renewed until 18 January 2018 and amended by virtue of Commission Implementing Regulation (EU) 2017/2006**

(2017/C 377/17)

1. Council Decision (CFSP) 2015/1333 <sup>(1)</sup> calls upon the Member States to direct vessels, as referred to in the list drawn up in Annex V of Decision (CFSP) 2015/1333, not to load, transport, or discharge crude oil illicitly exported from Libya, to deny entry into Member States ports and prohibits the provision of certain services and certain financial transactions linked to such oil exports.

2. On 20 October 2017, the United Nations Security Council Sanctions Committee renewed and amended the listing of the vessel LYNN S, subject to restrictive measures.

Those concerned may submit at any time a request to the United Nations Security Council Committee established pursuant to resolution 1970 (2011), together with any supporting documentation, for the decision to renew the listing to be reconsidered. Such request should be sent to the following address:

United Nations – Focal point for De-listing  
Security Council Subsidiary Organs Branch  
Room S-3055 E  
New York, NY 10017  
UNITED STATES OF AMERICA

See for more information at: <https://www.un.org/sc/suborg/en/sanctions/delisting>

3. In order to implement the new listing, the Commission has adopted Commission Implementing Regulation (EU) 2017/2006 <sup>(2)</sup> amending Annex V of Council Regulation (EU) 2016/44 <sup>(3)</sup> accordingly.

The shipowner of the vessel LYNN S may submit observations on the decision to renew the listing, together with supporting documentation, to the European Commission on the following address:

European Commission  
'Restrictive measures'  
Rue de la Loi/Wetstraat 200  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

4. The attention of the shipowner of the vessel LYNN S is also drawn to the possibility of challenging the Implementing Regulation (EU) 2017/2006 before the General Court of the European Union, in accordance with the conditions laid down in the fourth and sixth paragraphs of Article 263 of the Treaty on the Functioning of the European Union.

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<sup>(1)</sup> OJ L 206, 1.8.2015, p. 34.

<sup>(2)</sup> OJ L 290, 9.11.2017, p. 17.

<sup>(3)</sup> OJ L 12, 19.1.2016, p. 1.











