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### Information and Notices

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

## I

(Information)

## COMMISSION

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

17 May 2006

(2006/C 117/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2882	SIT	Slovenian tolar	239,65
JPY	Japanese yen	140,88	SKK	Slovak koruna	37,513
DKK	Danish krone	7,4554	TRY	Turkish lira	1,8480
GBP	Pound sterling	0,67930	AUD	Australian dollar	1,6710
SEK	Swedish krona	9,3777	CAD	Canadian dollar	1,4220
CHF	Swiss franc	1,5518	HKD	Hong Kong dollar	9,9883
ISK	Iceland króna	89,89	NZD	New Zealand dollar	2,0533
NOK	Norwegian krone	7,8210	SGD	Singapore dollar	2,0214
BGN	Bulgarian lev	1,9558	KRW	South Korean won	1 206,98
CYP	Cyprus pound	0,5751	ZAR	South African rand	8,0831
CZK	Czech koruna	28,194	CNY	Chinese yuan renminbi	10,3133
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,2698
HUF	Hungarian forint	262,69	IDR	Indonesian rupiah	11 503,63
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,607
LVL	Latvian lats	0,6960	PHP	Philippine peso	67,070
MTL	Maltese lira	0,4293	RUB	Russian rouble	34,6930
PLN	Polish zloty	3,8869	THB	Thai baht	48,835
RON	Romanian leu	3,5078			

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

**Information procedure — Technical rules**

(2006/C 117/02)

(Text with EEA relevance)

Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services. (OJ L 204, 21.7.1998, p. 37; OJ L 217, 5.8.1998, p. 18).

## Notifications of draft national technical rules received by the Commission

Reference <sup>(1)</sup>	Title	End of three-month standstill period <sup>(2)</sup>
2006/0170/F	Decision No xxxx of the Electronic Communications and Posts Regulatory Authority of xx xxx xx laying down the conditions for use of radio frequencies for radio frequency identification applications in the 865—868 MHz band	11.7.2006
2006/0171/I	Draft Ministerial Decree on the technical characteristics of antispray devices intended to be installed on certain categories of motor vehicles and their trailers	11.7.2006
2006/0172/DK	Draft Order amending the Order on the labelling, etc., of foodstuffs	11.7.2006
2006/0173/D	Technical Terms of Delivery and Technical Test Regulations for sealing profiles (German designation TL/TP DP)	11.7.2006
2006/0174/D	Act on the quality and safety of human tissues and cells (Tissues Act)	12.7.2006
2006/0175/NL	Covenant on the promotion of clean lorries and environmental zoning	13.7.2006
2006/0176/D	Technical requirements for car parts during design testing pursuant to Section 22a of the Road Traffic Approval Order (German designation: StVZO); — Amendment and supplementation	13.7.2006
2006/0177/CZ	Draft Decree on procedures for qualified providers of certification services, requirements for electronic signature devices and requirements for the protection of electronic symbol creation data (Decree on procedures for qualified providers of certification services)	14.7.2006
2006/0178/I	Decision of the Regional Council No 110 of 20 February 2006, on: 'Regional Law No 25/99 — Agriqualità Mark — Product of integrated agriculture. Approval of the draft general principles for the manufacturing and marketing phases of bakery and pastry products.'	14.7.2006
2006/0179/I	Regional Council Decision No 1273 of 27 December 2005, approving the Regulation implementing Regional Law No 64 of 16 November 2004 (protection and promotion of agricultural, zootechnical and forestry species and varieties)	14.7.2006

<sup>(1)</sup> Year — registration number — Member State of origin.

<sup>(2)</sup> Period during which the draft may not be adopted.

<sup>(3)</sup> No standstill period since the Commission accepts the grounds of urgent adoption invoked by the notifying Member State.

<sup>(4)</sup> No standstill period since the measure concerns technical specifications or other requirements or rules on services linked to fiscal or financial measures, pursuant to the third indent of the second paragraph of Article 1(11) of Directive 98/34/EC.

<sup>(5)</sup> Information procedure closed.

The Commission draws attention to the judgement delivered on 30 April 1996 in the 'CIA Security' case (C-194/94 — ECR I, p. 2201), in which the Court of Justice ruled that Articles 8 and 9 of Directive 98/34/EC (formerly 83/189/EEC) are to be interpreted as meaning that individuals may rely on them before national courts which must decline to apply a national technical regulation which has not been notified in accordance with the Directive.

This judgement confirms the Commission's communication of 1 October 1986 (OJ C 245, 1.10.1986, p. 4).

Accordingly, breach of the obligation to notify renders the technical regulations concerned inapplicable, and consequently unenforceable against individuals.

For more information on the notification procedure, please write to:

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Also consult the website: <http://europa.eu.int/comm/enterprise/tris/>

If you require any further information on these notifications, please contact the national departments listed below:

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**Notice of initiation of an anti-dumping proceeding concerning imports of certain camera systems originating in Japan and of the initiation of an interim review of the anti-dumping duty on imports of television camera systems originating in Japan**

(2006/C 117/03)

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 ('the basic Regulation')<sup>(1)</sup>, as last amended by Regulation (EC) No 2117/2005<sup>(2)</sup>, alleging that imports of certain camera systems, originating in Japan ('the country concerned'), are being dumped and are thereby causing material injury to the Community industry.

### 1. Complaint

The complaint was lodged on 4 April 2006 by Grass Valley Nederland BV ('the complainant') on behalf of producers representing a major proportion, in this case more than 25 %, of the total Community production of certain camera systems.

### 2. Product

The product allegedly being dumped is certain camera systems originating in Japan ('the product concerned'), consisting of:

- (a) a camera head:
  - (i) with integrated viewfinder, viewfinder connection or capability
  - (ii) with integrated optical block, front module or similar device (see description below), connection or capability
  - (iii) either in one piece with the camera head and the camera adaptor in one housing, or separate;
- (b) a camera adaptor. This may or may not be integrated in the camera head;
- (c) an optical block, front module or similar device with one or more image sensors where the effective diagonal size of the light sensitive scanning area is equal to or larger than 6 mm. This may or may not be integrated in the camera head;
- (d) a camera viewfinder. This may or may not be integrated in the camera head;
- (e) a Base station or Camera Control Unit ('CCU') connected to the camera by a cable or other means such as a wireless connection;

- (f) an Operational Control Panel ('OCP') or equivalent device for camera control (i.e. for colour adjustment lens opening or iris) of single cameras;
- (g) a Master Control Panel ('MCP') or Master set-up unit ('MSU') for the overview and for adjustment of several remote cameras;
- (h) a box lens adaptation unit such as a Large Lens Adapter or SuperXpander that enables portable camera systems to be used with box-type lenses.

imported either together or separately.

It is not always required that the camera systems consist of all the above components.

The abovementioned different components (not camera head) of a camera system cannot function separately and cannot be used outside the camera system of a particular producer.

Lenses and recorders which are not in the same housing with a camera head are not covered by the product.

The product concerned is susceptible for use in broadcast, news gathering, digital cinematography or professional applications. Professional applications include (but are not limited to) the use of these systems for creating educational, entertainment, promotional and documentary video material, both for internal and external distribution.

The product concerned is normally declared within CN codes ex 8525 30 90, ex 8525 40 91, ex 8528 21 14, ex 8528 21 16, ex 8528 21 90, ex 8528 22 00, ex 8529 90 81, ex 8529 90 95, ex 8537 10 91, ex 8537 10 99, ex 8543 89 97 and ex 9002 90 00. These CN codes are only given for information.

### 3. Allegation of dumping

The allegation of dumping is based on a comparison of normal value established on the basis of domestic prices, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margin calculated is significant.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 340, 23.12.2005, p. 17.

#### 4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from Japan 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 the financial 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 Japan 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.

###### (i) Sampling for exporters/producers in Japan

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers, 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 units of the product concerned sold for export to the Community during the period 1 April 2005 to 31 March 2006,
- the turnover in local currency and the sales volume in units for the product concerned on the domestic market during the period 1 April 2005 to 31 March 2006,

- whether the company intends to claim an individual margin <sup>(1)</sup> (individual margins can only be claimed by producers),
- the precise activities of the company with regard to the production of the product concerned,
- the names and the precise activities of all related companies <sup>(2)</sup> 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 to not have co-operated 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 exporting country, and any known associations of exporters/producers.

###### (ii) Sampling for importers

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

- name, address, e-mail address, telephone, and fax numbers and contact person,
- the total turnover in euro of the company during the period 1 April 2005 to 31 March 2006,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,

<sup>(1)</sup> Individual margins may be claimed pursuant to Article 17(3) of the basic Regulation for companies not included in the sample.

<sup>(2)</sup> 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).

- the volume in units and value in euro of imports into and resales made in the Community market during the period 1 April 2005 to 31 March 2006 of the imported product concerned originating in Japan,
- the names and the precise activities of all related companies <sup>(1)</sup> 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,
- 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 co-operated 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 co-operation 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.

<sup>(1)</sup> 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).

### (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 association of producers in the Community, to the sampled exporters/producers in Japan, to any association of exporters/producers, to the sampled importers, to any association of importers named in the complaint, and to the authorities of the exporting country concerned.

Exporters/producers in Japan 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).

## 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 Community industry, importers, their representative associations, representative users and representative consumer organisations, 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 will only be taken into account if supported by factual evidence at the time of submission.

## 6. Time limits

### (a) General time limits

#### (i) For parties to request a questionnaire

All interested parties should request a questionnaire as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Union*.

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

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 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)(iii) 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.

## 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 (1)' 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: J-79 5/16  
B-1049 Brussels  
Fax (32-2) 295 65 05.

## 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. Review of existing measures

By Council Regulation (EC) No 2042/2000 (2) definitive anti-dumping duties were imposed on imports of television camera systems originating in Japan, falling within CN codes ex 8525 30 90, ex 8537 10 91, ex 8537 10 99, ex 8529 90 81, ex 8529 90 95 (formerly ex 8529 90 88), ex 8543 89 97 (formerly ex 8543 89 95), ex 8528 21 14, ex 8528 21 16 and ex 8528 21 90. The product covered by this regulation entirely falls within the definition stated in point 2 above.

(1) 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).

(2) OJ L 244, 29.9.2000, p. 38. Regulation as last amended by Regulation (EC) No 1454/2005 (OJ L 231, 8.9.2005, p. 1)

Should it be determined that measures are to be imposed on certain camera systems originating in Japan in the proceeding initiated by the present notice, and thus cover the television camera systems subject to measures under Regulation (EC) No 2042/2000, the continued imposition of the measures imposed by Regulation (EC) No 2042/2000 will be no longer appropriate, and this regulation would have to be amended or repealed accordingly. Therefore, an interim review should be opened as regards Regulation (EC) No 2042/2000 in order to allow any amendment or repeal necessary in the light of the investigation initiated by the present notice.

Therefore, the Commission hereby initiates, pursuant to Article 11(3) of the basic Regulation, an interim review of Regulation

(EC) No 2042/2000. The provisions set out in points 5, 6, 7 and 8 of the notice, apply *mutatis mutandis* to this interim review.

#### 10. Schedule of the investigation

The investigation will be concluded, according to Articles 6(9) and 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*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.

**Prior notification of a concentration**  
**(Case COMP/M.4180 — Gaz de France/Suez)**

(2006/C 117/04)

(Text with EEA relevance)

1. On 10 May 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004<sup>(1)</sup> by which the undertaking Gaz de France group ('GDF', France) enters into a full merger within the meaning of Article 3(1)(a) of the Council Regulation with the Suez group ('Suez', France) by way of exchange of shares.

2. The business activities of the undertakings concerned are:

- for GDF: active in the gas sector at all levels, in electricity generation, electricity retail, and in energy services;
- for Suez: active in the gas and electricity sectors, in energy services and in water and environmental services.

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.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4180 — GDF/Suez, to the following address:

European Commission  
DG Competition  
Merger Registry  
J-70  
B-1049 Brussels

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

## EUROPEAN ECONOMIC AREA

## EFTA COURT

**Action brought on 13 March 2006 by the EFTA Surveillance Authority against the Kingdom of Norway****(Case E-1/06)**

(2006/C 117/05)

An action against the Kingdom of Norway was brought before the EFTA Court on 13 March 2006 by the EFTA Surveillance Authority, represented by Niels Fenger and Per Andreas Bjørgan, acting as Agents of the EFTA Surveillance Authority, 35, Rue Belliard, B-1040 Brussels.

The applicant claims that the Court should:

1. **Declare that the Kingdom of Norway, by amending the Norwegian gaming and lottery legislation in 'Lov av 29. august 2003 om endringer i pengespill- og lotterilovgivningen', which introduces a monopoly with regard to the operation of gaming machines, has infringed Articles 31 and 36 of the EEA Agreement.**

and

2. **Order the Kingdom of Norway to bear the costs of the proceedings.**

*Legal and factual background and pleas in law adduced in support:*

- The case concerns a monopoly on the operation of gaming machines in Norway.
- Norwegian Penal Code Sections 298 and 299 prohibit gambling unless permitted by specific legislation.
- The Act of 28 August 1992 No 103 (the Gaming Act) coordinated several previously permitted gambling activities (Lotto, horserace and football betting) under the sole operation of Norsk Tipping AS, a company solely owned by the Norwegian government.
- The Act of 24 February 1995 No 11 (the Lottery Act) defined gaming machines as a lottery which may only be operated in order to provide revenue for charitable causes. The Act specified who may operate gaming machines, including private operators.
- In order to combat the growing problem of gambling addiction, the Storting (the Norwegian Parliament), through the Act of 29 August 2003 No 90 transferred the administration of lottery operations using gaming machines from the Lottery Act (which allows for private operators) to the Gaming Act (which grants Norsk Tipping AS exclusive rights of operation).
- The amendments to the Norwegian legislation entail that existing operators be removed from the market and that gaming machine services can, from that point on, only be carried out within the framework of a state monopoly (Norsk Tipping AS).
- Article 31 EEA prohibits all restrictions on the freedom of establishment of nationals of an EC Member State or an EFTA State in the territory of any other of these States. This also applies to the setting up of agencies, branches or subsidiaries by nationals of any EC Member State or EFTA State established in the territory of any of these States.

- Article 36 EEA prohibits all restrictions on the provision of services within the EEA in respect of nationals of EC Member States and EFTA States who are established in an EC Member State or an EFTA State other than that of the person for whom the services are intended.
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