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Notice No Contents Page Information

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

Commission

2009/C 234/01 Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty - Cases where the Commission raises no objections (1) 2009/C 234/02 Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty - Cases where the Commission raises no objections (1)

Notices

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

Commission

2009/C 234/03



Notice No Contents (continued)

V Announcements

ADMINISTRATIVE PROCEDURES

	Commission	
2009/C 234/04	Call for proposals — EACEA/19/09 — MEDIA 2007 — Support for the Transnational Distribution of European Films — The 'Selective' Scheme 2010	
	PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY	
	Commission	
2009/C 234/05	Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of glyphosate originating in the People's Republic of China	
	PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY	
	Commission	
2009/C 234/06	Prior notification of a concentration (Case COMP/M.5584 — Belgacom/BICS/MTN) (¹)	1
	OTHER ACTS	
	Commission	

Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and

18



2009/C 234/07

2009/C 234/08

⁽¹⁾ Text with EEA relevance

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty Cases where the Commission raises no objections

(Text with EEA relevance)

(2009/C 234/01)

Date of adoption of the decision	5.8.2009			
Reference number of State Aid	N 434/08			
Member State	Poland			
Region	_			
Title (and/or name of the beneficiary)	Program pomocy publicznej na budowę instalacji do wytwarzan biokomponentów i biopaliw ciekłych w ramach Programu Operacyjneg Infrastruktura i Środowisko			
Legal basis	Rozporządzenie Ministra Gospodarki w sprawie udzielania pomocy publicznej na budowę instalacji do wytwarzania biokomponentów i biopaliw ciekłych; Ustawa z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju (Dz.U. nr 277, poz. 1658 oraz z 2007 nr 140, poz 984); Program Operacyjny Infrastruktura i Środowisko, K (2007) 6321 z dnia 7 grudnia 2007 r.			
Type of measure	Aid scheme			
Objective	Regional development			
Form of aid	Direct grant			
Budget	Overall budget: PLN 306 million			
Intensity	50 %			
Duration (period)	until 31.12.2013			
Economic sectors	All sectors			
Name and address of the granting authority	Instytut Paliw i Energii Odnawialnej ul. Jagielońska 55 03-301 Warszawa POLSKA/POLAND			
Other information	_			

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

 $http://ec.europa.eu/community_law/state_aids/state_aids_texts_enhtm$

Date of adoption of the decision	5.8.2009			
Reference number of State Aid	N 435/08			
Member State	Poland			
Region	_			
Title (and/or name of the beneficiary)	Program pomocy publicznej na budowę i przebudowę sieci dystrybi cyjnej gazowej oraz prawidłowego funkcjonowania systemu dystrybi cyjnego gazowego w ramach Programu Operacyjnego Infrastruktura Srodowisko			
Legal basis	Rozporządzenie Ministra Gospodarki w sprawie udzielania pomocy publicznej na inwestycje w zakresie budowy i przebudowy sieci dystrybucyjnej gazowej oraz prawidłowego funkcjonowania systemu dystrybucyjnego gazowego; Ustawa z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju (Dz.U. nr 277, poz. 1658 oraz z 2007 nr 140, poz 984); Program Operacyjny Infrastruktura i Środowisko, K (2007) 6321 z dnia 7 grudnia 2007 r.			
Type of measure	Aid scheme			
Objective	Regional development			
Form of aid	Direct grant			
Budget	Overall budget: PLN 666 million			
Intensity	50 %			
Duration (period)	until 31.12.2013			
Economic sectors	All sectors			
Name and address of the granting authority	Instytut Nafty i Gazu ul. Lubicz 25a 31-503 Kraków POLSKA/POLAND			
Other information	_			

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

http://ec.europa.eu/community_law/state_aids/state_aids_texts_enhtm

Date of adoption of the decision	5.8.2009
Reference number of State Aid	N 436/08
Member State	Poland
Region	_

Title (and/or name of the beneficiary)	Pomoc na nowe inwestycje w zakresie rozwoju przemysłu dla odna wialnych źródeł energii w ramach Programu Operacyjnego Infrastruktur i Środowisko		
Legal basis	Rozporządzenie Ministra Gospodarki w sprawie udzielania pomocy publicznej na inwestycje w zakresie budowy lub rozbudowy przedsiębiorstw produkujących maszyny i urządzenia służące do wytwarzania energii z odnawialnych źródeł energii oraz biokomponentów i biopaliw ciekłych (N 436/08); Ustawa z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju (Dz.U. nr 277, poz. 1658 oraz z 2007 nr 140, poz 984); Program Operacyjny Infrastruktura i Środowisko, K (2007) 6321 z dnia 7 grudnia 2007 r.		
Type of measure	Aid scheme		
Objective	Regional development		
Form of aid	Direct grant		
Budget	Overall budget: PLN 130 million		
Intensity	50 %		
Duration (period)	until 31.12.2013		
Economic sectors	All sectors		
Name and address of the granting authority	Instytut Paliw i Energii Odnawialnej ul. Jagielońska 55 03-301 Warszawa POLSKA/POLAND		
Other information	_		
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The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

 $http://ec.europa.eu/community_law/state_aids/state_aids_texts_enhtm$

Date of adoption of the decision	14.8.2009			
Reference number of State Aid	N 553/08			
Member State	Germany			
Region	_			
Title (and/or name of the beneficiary)	Steuerbegünstigung für Biokraftstoffe			
Legal basis	§ 50 Energiesteuergesetz vom 15. Juli 2006 (BGBl. I S. 1534; 2008, 660; 2008, 1007), geändert durch Artikel 1 des Gesetzes vom 18. Dezember 2006 (BGBl. I S. 3180)			
Type of measure	Aid scheme			
Objective	Environmental protection			
Form of aid	Tax rate reduction			
Budget	Overall budget: EUR 277 million			
Intensity	65 %			
Duration (period)	2009-2012			

Economic sectors	Manufacturing industry
Name and address of the granting authority	Bundesministerium der Finanzen Dienstsitz Berlin Wilhelmstraße 97 10117 Berlin DEUTSCHLAND
Other information	_

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

http://ec.europa.eu/community_law/state_aids/state_aids_texts_enhtm

Date of adoption of the decision	26.3.2009			
Reference number of State Aid	N 149/09			
Member State	Ireland			
Region	_			
Title (and/or name of the beneficiary)	Bank of Ireland			
Legal basis	The Credit Institutions (Financial Support) Act 2008			
Type of measure	Individual aid			
Objective	Aid to remedy serious disturbances in the economy			
Form of aid	Other forms of equity intervention			
Budget	Annual budget: EUR 3 500 million			
Intensity	_			
Duration (period)	26.3.2009-26.9.2009			
Economic sectors	Financial intermediation			
Name and address of the granting authority	The Minister, acting on behalf of the Gorvernment, in accordance wit the Act. Department of Finance, Government Building, Upper Merrio Street, Dublin 2, IRELAND			
Other information	_			

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

http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty Cases where the Commission raises no objections

(Text with EEA relevance)

(2009/C 234/02)

Date of adoption of the decision	13.7.2009			
Reference number of State Aid	NN 20/09			
Member State	Spain			
Region	Andalucía, Aragón, Asturias, Castilla y León, Castilla-La Mancha Cataluña			
Title (and/or name of the beneficiary)	NN 20/09 — España — Ayudas a la industria del carbón en el períod 2008-2010 en el ámbito del artículo 5, apartado 3 del Reglamento (CE n° 1407/2002			
Legal basis	Plan Nacional de Reserva Estratégica del Carbón 2006-2012 y Nuevo Modelo de Desarrollo Integral y Sostenible de las Comarcas Mineras, de 28 marzo 2006 Orden ITC/3666/2007, de 14 diciembre 2007			
Type of measure	Aid scheme			
Objective	Maintain access to coal reserves to ensure security of energy supply			
Form of aid	Aid to current production in the form of direct subsidies			
Budget	EUR 1 246 803 821			
Intensity	100 %			
Duration (period)	Expiry of the scheme on 31 December 2010			
Economic sectors	Mining/coal			
Name and address of the granting authority	Instituto para la Reestructuración de la Minería del Carbón Ministerio de Industria, Turismo y Comercio Pº Castellana, 160 7ª planta 28071 Madrid ESPAÑA SEPI — Sociedad Estatal de Participaciones Industriales Velazquez, 134			
Other information	28006 Madrid ESPAÑA Existing commitments, provided for in Article 9(11) of Regulation (EC) No 1407/2002, extended by the Spanish authorities			

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

 $http://ec.europa.eu/community_law/state_aids/state_aids_texts_enhtm$

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Euro exchange rates (1)
28 September 2009

(2009/C 234/03)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,4650	AUD	Australian dollar	1,6906
JPY	Japanese yen	131,15	CAD	Canadian dollar	1,6027
DKK	Danish krone	7,4424	HKD	Hong Kong dollar	11,3542
GBP	Pound sterling	0,92265	NZD	New Zealand dollar	2,0548
SEK	Swedish krona	10,2295	SGD	Singapore dollar	2,0791
CHF	Swiss franc	1,5114	KRW	South Korean won	1 752,28
ISK	Iceland króna		ZAR	South African rand	10,8810
NOK	Norwegian krone	8,5275	CNY	Chinese yuan renminbi	10,0023
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,2898
CZK	Czech koruna	25,252	IDR	Indonesian rupiah	14 255,42
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	5,0982
HUF	Hungarian forint	269,66	PHP	Philippine peso	69,758
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	44,1120
LVL	Latvian lats	0,7059	THB	Thai baht	49,195
PLN	Polish zloty	4,2097	BRL	Brazilian real	2,6264
RON	Romanian leu	4,2015	MXN	Mexican peso	19,8910
TRY	Turkish lira	2,1868	INR	Indian rupee	69,9590

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

V

(Announcements)

ADMINISTRATIVE PROCEDURES

COMMISSION

Call for proposals — EACEA/19/09

MEDIA 2007 — Support for the transnational distribution of European films — The 'selective' scheme 2010

(2009/C 234/04)

1. Objectives and description

This notice of Call for Proposals is based on Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) (1).

One of the measures to be implemented under this Decision is to support the Transnational Distribution of European films.

The aim of the 'Selective' scheme is to encourage and support the wider transnational distribution of recent non-national European films by encouraging theatrical distributors in particular to invest in promotion and adequate distribution of non-domestic European films.

The scheme also aims to encourage the development of links between the production and distribution sector thus improving the competitive position of non-national European films.

2. Eligible applicants

This notice is aimed at European companies whose activities contribute to the above-mentioned objectives.

Applicants must be established in one of the following countries:

- the 27 countries of the European Union,
- the EFTA countries,
- Switzerland,
- Croatia.

3. Eligible actions

The following action is eligible under this Call for Proposals:

The theatrical (Cinema) distribution of a non-national feature film. The film must have been majority produced by a producer/producers established in countries participating in the MEDIA programme and made with a significant participation by professionals from those countries. The film must be a recent work of fiction, animation or documentary more than 60 minutes long and from a different country than the country of distribution. The copyright of the film cannot be dated earlier than 4 years before the year of submission of the application. Films with a production budget of more than EUR 15 million are not eligible.

The eligible period shall normally be six (6) months before the earliest possible release date of the film (i.e. the relevant submission deadline) until ten (10) months after the latest release date (i.e. the relevant submission deadline plus eighteen (18) months).

4. Award criteria

Support shall be granted for the distribution i.e. P&A (prints and advertising) for recent non-national European films with a maximum production budget of EUR 15 million to groupings of at least five distributors in the case of films for which the budget is under EUR 3 million and at least seven distributors in the case of films for which the budget is between EUR 3 million and EUR 15 million.

The award criteria will result in the selection of those groupings with the highest score taking into account:

- the number of eligible distributors,
- the production cost of the film,
- the origin of the film,
- the type of film,
- the presence of the selling agent/producer as coordinator and his/her nationality.

5. Budget

The total budget available is EUR 12 250 000, subject to the availability of funds for the 2010 financial year.

The financial contribution will take the form of a grant. The financial contribution awarded will in no event exceed 50 % of the eligible costs.

The maximum award shall be EUR 150 000 per film per country.

The Agency reserves the right not to allocate all the funds available.

6. Deadline for submission of applications

The deadline for sending applications is 1 December 2009, 1 April 2010 and 1 July 2010.

Only applications submitted on the official application form, duly signed by the person entitled to enter into legally binding commitments on behalf of the applicant organisation will be accepted. Envelopes must clearly mention:

MEDIA 2007 — Distribution EACEA/19/09 — Selective cinema

Applications sent by fax or email will be rejected.

7. Full details

The detailed guidelines, together with the application forms, can be found at the following Internet address: http://ec.europa.eu/information_society/media/distrib/schemes/select/index_en.htm

Applications must comply with all the terms of the guidelines and be submitted on the forms provided.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

COMMISSION

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of glyphosate originating in the People's Republic of China

(2009/C 234/05)

Following the publication of a notice of impending expiry (1) of the anti-dumping measures in force on imports of glyphosate originating in the People's Republic of China, ('country concerned'), the Commission has received a request for review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 (2) on protection against dumped imports from countries not members of the European Community ('the basic Regulation').

1. Request for review

The request was lodged on 29 June 2006 by the European Glyphosate Association ('the applicant') on behalf of producers representing a major proportion, in this case more than 70 %, of the total Community production of glyphosate.

2. Product

The product under review is glyphosate originating in the People's Republic of China ('the product concerned'), currently falling within CN codes ex 2931 00 95 and ex 3808 93 27.

3. Existing measures

Following a review investigation carried out in accordance with Article 11(2) of the basic Regulation, the Council imposed by Regulation (EC) No 1683/2004 (3) a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China as extended by Council Regulation (EC) No 163/2002 (4) to imports of glyphosate consigned from Malaysia (whether declared as originating in Malaysia or not) and as extended to imports of glyphosate consigned from Taiwan (whether declared as originating in Taiwan or not).

By Commission Decision 2009/383/EC (5) these measures were suspended with effect on 16 May 2009 for a period of nine months.

4. Grounds for the review

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

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

On this basis, the dumping margin calculated is significant.

The applicant further alleges the likelihood of further injurious dumping. In this respect the applicant presents evidence that, should measures be allowed to lapse, the current import level of the product concerned is likely to increase due to the recent investments in production capacity and the potential of the manufacturing facilities of the exporting producers in the country concerned.

In addition, the applicant alleges that any recurrence of substantial imports at dumped prices from the country concerned would likely lead to a recurrence of injury to the Community industry should measures be allowed to lapse.

Furthermore, the applicant points out that during the period of imposition of measures, the exporters/producers of the product concerned tried to undermine the existing measures by circumvention practices, which were counteracted by Regulation (EC) No 163/2002.

5. Procedure

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

⁽¹⁾ OJ C 115, 20.5.2009, p. 19.

⁽²⁾ OJ L 56, 6.3.1996, p. 1.

⁽³⁾ OJ L 303, 30.9.2004, p. 1. (4) OJ L 30, 31.1.2002, p. 1. (5) OJ L 120, 15.5.2009, p. 20.

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

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

(a) Sampling

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

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

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 formats indicated in point 7:

- name, address, e-mail address, telephone, and fax numbers and contact person,
- the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Community during the period 1.9.2008-31.8.2009 for each of the 27 Member States separately and in total,
- the turnover in local currency and the volume in tonnes of the product concerned sold on the domestic market during the period 1.9.2008-31.8.2009.
- the turnover in local currency and the volume in tonnes of sales of the product concerned sold to other third countries during the period 1.9.2008-31.8.2009,
- the precise activities of the company worldwide with regard to the product concerned,
- the names and the precise activities of all related companies (6) involved in the production and/or sales (export and/or domestic) of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an onthe-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

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

(ii) Sampling for importers

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

- name, address, e-mail address, telephone, and fax numbers and contact person,
- the precise activities of the company with regard to the product concerned,
- the volume in tonnes and value in EUR of imports into and resales made on the Community market during the period 1.9.2008-31.8.2009 of the imported product concerned originating in the People's Republic of China,
- the names and the precise activities of all related companies (7) involved in the production and/or sales of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

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 onthe-spot investigation of its response. If the company indicates that it does not agree to its possible

⁽⁶⁾ 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).

⁽⁷⁾ See footnote 6.

inclusion in the sample, it will be deemed not to have cooperated in the investigation. The consequences of non-cooperation are set out in point 8 below.

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

(iii) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the samples must do so within the time limit set in point 6(b)(ii).

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

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

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

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any known association of producers in the Community, to the sampled exporters/producers in the People's Republic of China and to any known association of exporters/producers, to the sampled importers, to any known association of importers, and to the authorities of the exporting country concerned.

(c) Collection of information and holding of hearings

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

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

(d) Selection of the market economy country

In the previous investigation Brazil was used as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. The Commission envisages to use Brazil again for this purpose. Interested parties are hereby invited to comment on the appropriateness of this country within the specific time limit set in point 6(c).

5.2. Procedure for the assessment of Community interest

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

6. Time limits

(a) General time limits

For parties to request a questionnaire or other claim forms

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

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

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

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

Hearings

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

(b) Specific time limit in respect of sampling

The information specified in points 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.

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.

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

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

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

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' (8)

and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission Directorate-General for Trade Directorate H Office: N-105 04/92 1049 Bruxelles/Brussel BELGIQUE/BELGIË

Fax +32 22956505

8. Non-cooperation

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

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

9. Schedule of the investigation

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

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

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

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

⁽⁸⁾ 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).

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

11. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the Council (9) 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.

12. Hearing officer

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

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMPETITION POLICY

COMMISSION

Prior notification of a concentration

(Case COMP/M.5584 — Belgacom/BICS/MTN)

(Text with EEA relevance)

(2009/C 234/06)

- 1. On 21 September 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (¹) by which the undertaking Belgacom S.A. ('Belgacom', Belgium) will acquire within the meaning of Article 3(1)(b) of the Regulation control of the whole of the undertaking Belgacom International Carrier Services S.A. ('BICS', Belgium) by way of a series of contracts resulting in sole control by Belgacom.
- 2. The business activities of the undertakings concerned are:
- for Belgacom: telecommunications operator in Belgium active in the full range of telecommunications services providing wholesale and retail services, fixed and mobile telecommunications, voice and data services mainly at national level,
- for BICS: global carrier of voice, data and value added services to wireless and wireline and service providers. These activities include services currently carried out by BICS as a joint venture between Belgacom and Swisscom Belgium S.A. ('Swisscom') and international wholesale telecommunications activities ('MTN-ICS') which will be acquired from MTN (Dubai) Limited as a result of the proposed transactions.
- for MTN-ICS: international telecommunications 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 (+32 22964301 or 22967244) or by post, under reference number COMP/M.5584 — Belgacom/BICS/MTN, to the following address:

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

OTHER ACTS

COMMISSION

Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2009/C 234/07)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006. Statements of objection must reach the Commission within six months from the date of this publication.

SUMMARY

COUNCIL REGULATION (EC) No 510/2006

'NIEHEIMER KÄSE'

EC No: DE-PGI-0005-0530-14.03.2006

PDO () PGI (X)

This summary sets out the main elements of the product specification for information purposes.

1. Responsible department in the Member State:

Name: Federal Ministry of Justice

Address: Mohrenstrasse 37

10117 Berlin DEUTSCHLAND

Tel. +49 3020259333 Fax +49 3020258251

E-mail: —

2. Group:

Name: Verein Schutzgemeinschaft Nieheimer Käse

Address: c/o Käserei Pott

Untere Mauerstrasse 32 33039 Nieheim DEUTSCHLAND

Tel. +49 5274472 Fax +49 5274953778

Email: menne.thomas.nieheim@t-online.de Composition: Producers/processors (X) Other ()

3. Type of product:

Class 1.3.: Cheese

4. Specification:

(summary of requirements under Article 4(2) of Regulation (EC) No 510/2006)

4.1. Name:

'Nieheimer Käse'

4.2. Description:

'Nieheimer Käse' is a low-fat, high-protein, sour milk cheese.

Exterior: The exterior is smooth and wrinkle-free, with a yellowish to grey-green colour. The cheese can be covered with hop leaves (in which case there is usually a corresponding reference in connection with the description).

Interior: The cut surface is smooth, close-textured, uniformly coloured and may be interspersed with caraway. Small pieces of quark which are not fully ripe do not give the desired appearance. The cheese can range from firm enough to cut to grateable.

Odour and taste: The taste is pure, sharp, spicy, with a touch of caraway, depending on the seasoning.

Shape, size and weight: The cheese is typically produced in cylindrical form with a diameter of 4,0 to 4,5 cm, a height of 2,0 to 2,5 cm and a weight of 32 to 37 g. Variations are possible.

Composition: The ingredients used to make 'Nieheimer Käse' are skimmed milk quark and table salt. The cheese is sold with consistencies which vary from firm enough to cut to grateable. It may also contain caraway. As the cheese matures, the water content decreases and the contents vary accordingly.

The composition and ingredients of 'Nieheimer Käse' are therefore defined by establishing parameters for the sour milk quark which is the raw material. The sour milk quark used is a low-fat quark with a dry matter content of at least 33 %, a pH value of between 3,9 and 4,3, and a fresh-mass fat content of less than 1 %. In the final product (and with a dry matter content of, for example, 45-46 %, i.e. when the cheese is firm enough to cut), this yields a fat content of approx. 1,5-1,6 % in the dry matter (adjusted). The fat content (Schmid-Bondsynski-Ratzlaff method) is then approx. 0,7 %. The dry matter content of the cheese when grateable is approx. 60 % or more. Nieheim cheese which is ready to sell always has a fat content of below 1 % when the dry quark described above is used.

Ripening is based solely on the sour quark's bacterial and yeast culture; no extra ripening cultures are added. This distinguishes 'Nieheimer Käse' from other sour milk cheeses.

4.3. Geographical area:

The production area for 'Nieheimer Käse' is the municipality of Nieheim.

The milk to be used and the dry quark do not have to originate in the above geographical area.

4.4. Proof of origin:

Upon receipt at the factory, the ingredients used in the production of 'Nieheimer Käse' are inspected by the manager and the staff member responsible for quality assurance or his representative and are recorded in lists. The consignment notes for each batch of goods received are also kept. When the finished products leave the factory, the details given in the consignment notes are kept on record so that each consignment can be traced back to the raw materials used in production.

The identification marking providing proof of origin (production batch marking) will be added during the labelling process by putting an appropriate mark on the product packaging or in a document which accompanies the products. As regards the batch marking of 'Nieheimer Käse', one day's production corresponds to one batch.

4.5. Method of production:

The cheese is produced from (home-made or bought) dry quark which meets the following quality parameters: dry matter content of at least 33 %, pH value of between 3,9 and 4,3, and fresh-mass fat content of less than 1 %. The dry quark comes 100 % from cow's milk. It is first finely ground in a mincer and put in cases. This quark mass is then placed in a ripening room. The length of the ripening process depends on the temperature and air humidity and can be taken from 3 to 5 days. The quark is fully ripe once the mass has turned a yellowish colour. The right moment for further processing is determined by means of visual and sensory examination undertaken by the individuals responsible. Cooking salt (2,5-3,5 %) and possibly caraway seed (0,01-0,03 %) are then added to the mass, which is mixed until distribution is even. The cheese mass is then shaped into rolls 4,0 to 4,5 cm in diameter, and subsequently cut with a cutting harp into pieces 2,0 to 2,5 cm wide. The small individual cylindrical cheeses are then placed individually on cheese shelves and must be allowed to cool. The cheese is subsequently packed in such a way as to be pervious to air; only in that way can it breathe and dry out slowly. The packaging may additionally consist of a protective layer of hops. In that case a reference is usually made to this variation in packaging and presentation. Variations in presentation are common.

4.6. Link:

Milk curdles if left to stand in the sun or near a fire. Even before the birth of Christ, interaction had occurred between heat and lactic acid bacteria to produce Germany's first sour milk cheeses. These are some of the few 'original German' cheese inventions. Many German regions have a long-standing tradition of producing a wide variety of sour milk cheeses. 'Nieheimer Käse' became a local speciality in the Nieheim area as far back as the early 19th century. In terms of production and ripening, it differs from other varieties of sour milk cheese.

'Nieheimer Käse' is a traditional regional speciality which is well known outside the region and highly regarded. The production of 'Nieheimer Käse' is based on a centuries-old, farmers' method of cheese making in Nieheim and the surrounding area. Recipes and experience of cheese making as a local craft were handed down by families. Of key importance is the special production method: the dry quark is first ground and then ripens in vats before being shaped. Nieheim still has a lively cheese tradition, reflected in its regular cheese markets, which started in the 1920s and 1930s and continue to this day. The Westphalia-Lippe Agricultural Newspaper described cheese from Nieheim as early as 1857, praising its high quality (see *Landwirtschaftliche Zeitung für Westfalen-Lippe*, XIV 1857, columns 179-181: Cheese production on 'Externbrock' farm in Nieheim, Westphalia).

Further references to 'Nieheimer Käse' can be found in Handbuch der Käsereitechnik (H. von Klenze, publisher M. Heinsius 1884, page 586 et seq.), which states that 'Nieheimer Käse' originates from the area around Nieheim in Westphalia. *Die Warte* (No 5/1934, Georg Hilka 'Aus der heimischen Wirtschaft: Die Zubereitung des weit bekannten Nieheimer Käse') refers to the fact that 'Nieheimer Käse' is a local product from Nieheim and that it goes back centuries. The *Molkerei- und Käsereizeitung* (Hildesheim, 5/1965, page 173) states that the production of 'Nieheimer Käse' is especially concentrated in and around Nieheim.

4.7. Inspection body:

Name: Landesamt für Ernährungswirtschaft und Jagd Nordrhein-Westfalen (North Rhine-Westphalia

State Office for the Food Industry and Hunting)

Address: Postfach 30 06 51

40406 Düsseldorf DEUTSCHLAND

Tel. +49 23613050 Fax +49 23613053215 E-mail: poststelle@lanuv.nrw.de

4.8. Labelling:

Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2009/C 234/08)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006. Statements of objection must reach the Commission within six months from the date of this publication.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006 'PIAVE'

EC No: IT-PDO-0005-0686-04.03.2008 IGP () PDO (X)

1. Name:

'Piave'

2. Member State or third country:

Italy

- 3. Description of the agricultural product or foodstuff:
- 3.1. Type of product (Annex II):

Class 1.3. Cheeses

3.2. Description of product to which the name in (1) applies:

'Piave' is a hard, aged, cylindrical cooked cheese made from cows' milk.

The cheese is marketed as the following types:

Fresco (fresh): aged between 20 and 60 days, diameter $320 \text{ mm} \pm 20 \text{ mm}$, height of the heel $80 \text{ mm} \pm 20 \text{ mm}$, weight $6.8 \text{ kg} \pm 1 \text{ kg}$.

Mezzano (medium): aged between 60 and 180 days, diameter 310 mm \pm 20 mm, height of the heel 80 mm \pm 20 mm, weight 6,6 kg \pm 1 kg.

Vecchio (mature): aged more than 6 months, diameter 290 mm \pm 20 mm; height of the heel 80 mm \pm 20 mm, weight 6,0 kg \pm 1 kg.

Vecchio selezione oro (extra-mature): aged more than 12 months, diameter 280 mm \pm 20 mm, height of the heel 75 mm \pm 20 mm, weight 5,8 kg \pm 1 kg.

Vecchio riserva (ultra-mature): aged more than 18 months, diameter 275 mm \pm 20 mm, height of the heel 70 mm \pm 20 mm, weight 55 kg \pm 1 kg.

It shall have the following characteristics:

Fat content: Fresco 33 % ± 4 %, Mezzano 34 % ± 4 %, Vecchio > 35 %.

Protein content: Fresco 24 % ± 4 %, Mezzano 25 % ± 4 %, Vecchio > 26 %.

- Taste: initially it has a sweet, lactic taste, especially in the Fresco variety but also discernable in the Mezzano variety; as the cheese ages, the taste becomes steadily more intense and full-bodied until becoming slightly pungent with cheeses which are aged longer.
- Rind: obvious, soft and clear in the Fresco variety but thicker and harder with greater aging, becoming hard and increasingly dark and tending towards ochre in the Vecchio, Vecchio Selezione Oro and Vecchio Riserva varieties.
- Paste: marked by a lack of holes; it is white and uniform in the Fresco variety but becomes straw-coloured with a drier and more brittle and crumbly consistency in older varieties, with typical flaking in the Vecchio, Vecchio Selezione Oro and Vecchio Riserva varieties.

3.3. Raw materials (for processed products only):

The cows' milk used for the production of Piave comes exclusively from the province of Belluno, with at least 80 % produced by species which are typical of the production area: Bruna italiana (Italian Brown), Pezzata Rossa italiana (Italian Red Pied) and Frisona italiana (Italian Friesian).

The other raw materials which are used also comply with the criteria of respecting local tradition. Use is made of a specific starter culture and whey starter which are produced locally from milk from the province of Belluno and from processing serum containing cultures belonging to indigenous strains.

The acidity of the starter culture is $10 \, ^{\circ}SH/50 \pm 3$.

The acidity of the whey starter is $27 \, ^{\circ}SH/50 \pm 3$.

3.4. Feed (for products of animal origin only):

The feeding of the milking cows must comply with the following requirements:

at least 70 % of the fodder and 50 % of the dry matter must be produced in the production area indicated in paragraph 4, located wholly in mountain areas.

The feed may not include the following products:

- industrial medical feedingstuffs,
- vegetables, fruit and rape seed,
- urea, urea phosphate, biuret.
- 3.5. Specific steps in production that must take place in the identified geographical area:

The whole process of production (milk production, titration, heat treatment, introduction of cultures, curdling, pouring/moulding, pressing, stamping, prematuring and salting) must take place within the area indicated in paragraph 4.

3.6. Specific rules concerning slicing, grating, packaging, etc.:

3.7. Specific rules on labelling:

The name of the product (Piave) is stamped vertically on the whole rind with alternate lines reversed and inverted (height $70 \text{ mm} \pm 5 \text{ mm}$).

Each wheel of cheese must indicate the production batch allowing the day, month and year of production to be identified. The batch code must be stamped on the rind or one side of the wheel.

A label is attached to the other side of the wheel, with the following wording:

- 'Piave' with protected designation of origin,
- Fresco or Mezzano or Vecchio (Vecchio selezione oro Vecchio riserva),
- mark or trade name of manufacturer.

4. Concise definition of the geographical area:

The area of production of Piave cheese comprises the territory of the province of Belluno.

5. Link with the geographical area:

5.1. Specificity of the geographical area:

The province of Belluno is situated wholly in a mountain area and its geographic borders are marked by mountain chains which divide the territory of Belluno from the region of Friuli Venezia-Giulia to the east, the Venetian plain of the provinces of Treviso and Vicenza to the south, Trentino Alto Adige to the west and Austria to the north. The river Piave runs through the territory from the north to the south and southeast from its source on Monte Peralba in Val Visdende in the area of Comelico in the most northerly part of the province of Belluno.

The existence and distribution of mountain chains, specifically the Dolomites in the northwest and the pre-Alps in the southeast, together with the river Piave which runs through the whole area, create a particular environment which differs from that of adjacent areas with very high average rainfall and average annual minimum temperatures which tend to be lower than in neighbouring areas. These particular environmental features of temperature and rainfall permit typical mountain species of vegetation to develop.

The province of Belluno is located in the Dolomite area of the Italian Alps and contains two important parks: the Parco Nazionale delle Dolomiti Bellunesi and the Parco Naturale Regionale delle Dolomiti d'Ampezzo.

The territory of the province of Belluno is entirely mountainous. Because of the lack of plain areas and hilly regions and the height and slope of the terrain, the whole province is classified as a less-favoured area for farming, but the same features also contribute to its suitability for milk and cheese production. The province of Belluno is marked by considerable grazing area totalling about 13 000 hectares, and the resulting figure of 4,38 hectares per animal is well above the average for neighbouring areas (0,67 hectares per animal).

5.2. Specificity of the product:

Piave cheese has the following characteristics:

- a typical taste profile during the various stages of aging, caused by processes of proteolysis and lipolysis which are the combined result of two types of culture and indigenous microorganisms,
- firmness as a result of the absence of fermenting gases,
- a lactic flavour, stronger in the younger products,
- a flavour which gradually becomes intense and full-bodied, and slightly pungent in older varieties, without ever becoming excessive, thus typifying the unique, balanced and easily recognised flavour of Piave cheese.

These quality characteristics are linked to two main factors:

(a) the milk used for production, which is creamier and richer in protein than milk in other areas (even in the Veneto area).

The fact is that the milk used to produce Piave cheese comes exclusively from the province of Belluno and has an average fat content (3,93 %) and protein content (3,35 %) which are above those of milk produced in other provinces of the Veneto region (3,69 % for fat and 3,27 % for protein) and also above the national average (3,70 % for fat and 3,28 % for protein);

(b) the typical lactic microflora which are used, and which are indigenous.

The starter and whey cultures used to produce Piave are produced locally from milk and processing serum containing cultures belonging to indigenous strains. Since they are reproduced directly in the area, the microbial flora produced by these natural cultures represent a kind of microbiological imprint of the geographical area of production. The complex interactions which take place between the various organisms which they contain may be considered one of the decisive factors in achieving the particular organoleptic characteristics of Piave cheese.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI):

The organoleptic and nutritional characteristics of Piave cheese are derived from the particular geographical, environmental and production features of the mountain area where it is produced.

The notable properties of the milk used to produce Piave, with its higher fat and protein content, are a result of farming in mountain areas.

A feature of mountain areas in general but especially of the province of Belluno is their low production indices for milk. Indeed, the production of milk per hectare of permanent pastureland/grazing in the province of Belluno (less than 10 litres compared with an average of 272 litres per hectare of grazing in other provinces) and the productivity per animal (44 hectolitres per year compared with a regional average of 57 hectolitres) are well below the average figures in other areas. The grazing load of animals in the province of Belluno is also much lower than in neighbouring areas and provinces. As indicated earlier, the area of permanent pastureland/grazing available to cattle in the area where Piave cheese is produced (4,38 hectares per animal) is well above the figure for neighbouring areas and the regional average (0,67 hectares per animal).

An additional factor is that the environmental conditions, such as temperature and average rainfall which differ significantly from adjacent areas, permit the development of typical mountain species of vegetation which provide particular flavour to milk in the province of Belluno and thus to Piave cheese.

All these factors low — milk production indices in the identified area, the extent of available grazing, the ample supply of fodder and typical mountain species of vegetation for cattle feed — result in a precise ecological niche and produce the particular features which typify the quality of the milk produced in the province of Belluno.

These particular qualities, together with the use of two locally produced cultures (starter culture and whey starter), are the decisive factors which give Piave cheese its particular organoleptic characteristics.

The production of Piave cheese has been handed down from generation to generation in the province of Belluno. Its origin dates from the end of the 19th century when the first rotating dairies were set up in mountain areas in Italy.

The first products classified as 'Piave' — a river of renown for a product of renown — date from 1960, when a third of the 10 tonnes of milk per day supplied to the Latteria Sociale Cooperative della Vallata Feltrina was set aside for the production of Piave and Fior di Latte cheeses.

Piave cheese takes it name from the river of the same name which crosses the whole province of Belluno from the north to the south and southeast.

Nowadays the product is well known and appreciated by consumers to the extent that since the 1980s it has received important awards for its particular and typical characteristics both nationally, where it obtained the Spino d'Oro award in 1986, 1992 and 1994 at the 23rd, 26th and 27th Mostra delle Produzioni Casearie cheese fairs in Thiene, and at international events, such as the Mountain Cheese Olympics in Verona in 2005 when it won the Buonitalia flavour award for the best export cheese, at the World Cheese Awards in Dublin where it won first prize for mature cheeses and at the World Food Exhibition in Moscow in 2007.

Reference to publication of the specification:

The Government launched the national objection procedure with the publication of the proposal for recognising 'Piave' in Official Gazette of the Italian Republic No 6 of 8 January 2008.

The full text of the product specification is available:

on the following website: http://www.politicheagricole.it/DocumentiPubblicazioni/Search_Documenti_Elenco.htm?txtTipoDocumento=Disciplinare%20in%20esame%20UE&txtDocArgomento=Prodotti%20di%20Qualit%E0>Prodotti%20Dop,%20Igp%20e%20Stg

or

by going directly to the home page of the Ministry (http://www.politicheagricole.it) and clicking on 'Prodotti di Qualità' (on the left of the screen) and finally on 'Disciplinari di Produzione all'esame dell'UE [regolamento (CE) n.~510/2006]'.

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