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C 223



English edition

### Information and Notices

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**EN**
**Price:**  
**EUR 3**
<sup>(1)</sup> Text with EEA relevance

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

## II

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

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case COMP/M.6183 — MAHLE/BEHR)****(Text with EEA relevance)**

(2011/C 223/01)

On 23 June 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6183. EUR-Lex is the on-line access to the European law.

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**Non-opposition to a notified concentration****(Case COMP/M.6123 — ArcelorMittal Bremen/Kokerei Prosper/Arsol Aromatics)****(Text with EEA relevance)**

(2011/C 223/02)

On 27 May 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6123. EUR-Lex is the on-line access to the European law.
-

**Non-opposition to a notified concentration**  
**(Case COMP/M.6184 — Indorama/Sinterama/Trevira)**

(Text with EEA relevance)

(2011/C 223/03)

On 9 June 2011, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
  - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32011M6184. EUR-Lex is the on-line access to the European law.
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## IV

(Notices)

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

## EUROPEAN COMMISSION

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

28 July 2011

(2011/C 223/04)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,4260	AUD	Australian dollar	1,2931
JPY	Japanese yen	110,86	CAD	Canadian dollar	1,3521
DKK	Danish krone	7,4497	HKD	Hong Kong dollar	11,1110
GBP	Pound sterling	0,87390	NZD	New Zealand dollar	1,6356
SEK	Swedish krona	9,0735	SGD	Singapore dollar	1,7169
CHF	Swiss franc	1,1437	KRW	South Korean won	1 499,62
ISK	Iceland króna		ZAR	South African rand	9,5543
NOK	Norwegian krone	7,7245	CNY	Chinese yuan renminbi	9,1874
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,4604
CZK	Czech koruna	24,215	IDR	Indonesian rupiah	12 125,04
HUF	Hungarian forint	268,20	MYR	Malaysian ringgit	4,2145
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	60,176
LVL	Latvian lats	0,7096	RUB	Russian rouble	39,4050
PLN	Polish zloty	4,0150	THB	Thai baht	42,409
RON	Romanian leu	4,2505	BRL	Brazilian real	2,2277
TRY	Turkish lira	2,3955	MXN	Mexican peso	16,6187
			INR	Indian rupee	62,8840

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

## NOTICES FROM MEMBER STATES

LIST OF PRODUCERS' ORGANISATIONS IN THE FISHERY AND AQUACULTURE SECTOR  
FROM WHICH RECOGNITION HAS BEEN WITHDRAWN IN 2010

(2011/C 223/05)

This publication is based on Article 6(6) of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22) (Situation on 29 July 2011).

Note to reader: The footnotes appear on pages 5 and 6.

	Име на организацията Nombre y dirección Název a adresa Navn og adresse Name und Anschrift Nimi ja aadress Ονομασία και διεύθυνση Name and address Nom et adresse Nome e indirizzo Nosaukums un adrese Pavadinimas ir adresas Név és cím Isem u indirizz Naam en adres Nazwa i adres Nome e endereço Nume și adresă Názov a adresa Ime in naslov Nimi ja osoite Namn och adress	Дата на признаване Fecha del reconocimiento Datum uznání Dato for anerkendelsen Datum der Anerkennung Tunnustamise kuupäev Ημερομηνία αναγνώρισης Date of recognition Date de retrait de reconnaissance Data del riconoscimento Atzīšanas diena Pripažinimo data Elismerés dátuma Data tar-rikonoxximent Datum van erkenning Data dopuszczenia Data de reconhecimento Data recunoașterii Dátum uznania Datum priznanja Hyväksymispäivä Datum för godkännandet
	1	2
GERMANY		
DEU 007 ( <sup>2</sup> ) (L)	Fischereigenossenschaft Holsatia Husum-Friedrichskoog Erzeugergemeinschaft e.G. Westerheverstraße 9 25813 Husum Tel. +49 4841-4699 Fax +49 484180-4478	1.1.2011
DEU 011 ( <sup>2</sup> ) (L)	Erzeugergenossenschaft der Krabbenfischer Elbe-Weser e.V. Dorum Königsweg 4 26532 Großheide Tel. +49 4936-1327 Fax +49 4936917-1906 E-Mail: kontakt@egelbe-weser.de Internet: <a href="http://www.egelbe-weser.de">http://www.egelbe-weser.de</a>	10.7.2010
DEU 034 ( <sup>2</sup> ) (C)	Erzeugergemeinschaft der Hochsee- und Kutterfischer GmbH, Cuxhaven Niedersachsenstraße — Halle 9 27472 Cuxhaven Tel. +49 4721-64911 Fax +49 047216-5058 E-Mail: erzeugergemeinschaft-nordsee@t-online.de	1.1.2010
DEU 019 ( <sup>1</sup> ) (C)	Landesvereinigung der Erzeugerorganisationen für Nordseekrabben und Küstenfischer an der Schleswig-Holsteinischen Westküste e.V. Büsum Am Fischereihafen 7 25761 Büsum Tel. +49 483496-2415 Fax +49 483496-2416 E-Mail: lv-krabbenfischer-sh@t-online.de	10.3.2011

	1	2
SPAIN		
ESP 012 ( <sup>2</sup> ) (L)	<p>Organización de productores de la pesca de Asturias</p> <p>OPP-12</p> <p>Puerto s/n 33330 Lastre (Oviedo)</p> <p>Tel. +34 985850606 Fax +34 985850440 E-mail: clastres@princast.es</p>	11.3.2011
ITALY		
ITA 031 ( <sup>2</sup> ) (L)	<p>Organizzazione di produttori della pesca produttiva di Termoli</p> <p>Piazza dei Pescatori 86039 Termoli (Campobasso)</p> <p>Tel. +39 0875705850 Fax +39 0875705850 E-mail: info@motopesca.it</p>	29.9.2009
IRELAND		
IRL 005	<p>Irish South and East Fish Producers Organisation Limited</p> <p>First floor front office 18 The Mall, Waterford</p> <p>Tel. +353 51853627 / 852469164 Fax +353 51383103 E-mail: irishfish.org@gmail.com</p>	27.4.2011

(<sup>1</sup>) Ассоциации на организации на производители  
Asociaciones de organizaciones de productores  
Sdružení organizací producentů  
Sammenslutninger af producentorganisationer  
Vereinigungen von Erzeugerorganisationen  
Tootjaorganisatsioonide liidud  
Σύνδεσμοι ομάδων παραγωγών  
Associations of producer organisations  
Association d'organisation de producteurs  
Associazioni di organizzazioni di produttori  
Ražotāju organizāciju asociācijas  
Gamintojų organizacijų asociacijos  
Termelői szervezetek szövetsége  
Assocjazzjonijiet ta' organizzazzjonijiet ta' produtturi  
Verenigingen van producentenorganisaties  
Stowarzyszenia organizacji producentów  
Associações de organizações de produtores  
Asociațiile organizațiilor de producători  
Združenia organizácií výrobcov  
Združenja organizacij proizvajalcev  
Tuottajajärjestöjen yhdistys  
Sammanslutningar av producentorganisationer

(<sup>2</sup>) Организации на производители  
Organizaciones de productores  
Organizace producentů  
Producentorganisationer  
Erzeugerorganisation  
Tootjaorganisatsioonid  
Ομάδες παραγωγών  
Producer organisations  
Organisation de producteurs  
Organizzazioni di produttori  
Ražotāju organizācijas  
Gamintojų organizacijos  
Termelői szervezetek  
Organizzazzjonijiet ta' produtturi  
Producentenorganisaties  
Organizacje producentów  
Organizações de produtores  
Organizațiile de producători  
Organizácie výrobcov  
Organizacije proizvajalcev  
Tuottajajärjestö  
Producentorganisationer

<p>(A) Аквакултури          Acuicultura          Akvakultura          Akvakultur          Aquakultur          Akvakultuur          Υδατοκαλλιέργεια          Aquaculture          Aquaculture          Acquacoltura          Akvakultūra          Akvakultūra          Akvakultúra          Akkwakultura          Aquacultuur          Akwakultura          Aquicultura          Acvacultură          Akvakultúra          Ribogojstvo          Vesiviljely          Vattenbruk</p>	<p>(C) Крайбрежен риболов          Pesca costera          Pobřežní rybolov          Kystfiskeri          Küstenfischerei          Rannapüük          Παράκτια αλιεία          Coastal fishing          Pêche côtière          Pesca costiera          Piekrastes zveja          Pakrantės žvejyba          Part menti halászat          Sajd mal-kosta          Kustvisserij          Połowy przybrzeżne          Pesca costeira          Pescuit de coastă          Pobrežný rybolov          Obalni ribolov          Rannikkokalastus          Kustfiske</p>	<p>(D) Дълбоководен риболов          Pesca en alta mar          Hlubinný rybolov          Fjernfiskeri          Fernfischerei          Sívamerepüük          Αλιεία στο πέλαγος          Deep-sea fishing          Pêche au large          Pesca al largo          Dzīļjūras zveja          Gelminė žvejyba          Mélytengeri halászat          Sajd fil-bahar fond          Zeevisserij          Połowy głębokowodne          Pesca do largo          Pescuit în larg          Hlbokomorský rybolov          Globokomorski ribolov          Syvänmerenkalastus          Fiske på öppna havet</p>
<p>(H) Риболов в открито море          Pesca de altura          Rybolov na volném moři          Højsøfiskeri          Hochseefischerei          Avamerepüük          Αλιεία στην ανοικτή θάλασσα          High-sea fishing          Pêche hauturière          Pesca d'altura          Tāljūras zveja          Žvejyba atviroje jūroje          Nyílt tengeri halászat          Sajd fil-bahar miftuħ          Visserij op de volle zee          Połowy dalekomorskie          Pesca do alto          Pescuit în mare liberă          Rybolov na otvorenom mori          Ribolov na odprtem morju          Avomerikalastus          Djuphavsfiske</p>	<p>(L) Локален дребномащабен риболов          Pequena pesca local          Drobný místní rybolov          Lokalt fiskeri af mindre omfang          Lokale Küstenfischerei          Väikesemahuline kohalik kalapüük          Τοπική αλιεία περιορισμένης κλίμακας          Local small-scale fishing          Petite pêche locale          Piccola pesca locale          Vietējā sīkzveja          Vietinė mažo masto žvejyba          Helyi kisipari halászat          Sajd lokali fuq skala żghira          Kleinschalige kustvisserij          Lokalne połowy przybrzeżne          Pequena pesca local          Pescuit local la scară mică          Miestny malý rybolov          Mali lokalni ribolov          Lähivesikalastus          Småskaligt lokalt fiske</p>	<p>(O) Други видове риболов          Otro tipo de pesca          Ostatní druhy rybolovu          Andet fiskeri          Sonstige          Muu kalapüük          Άλλου τύπου αλιεία          Other types of fishing          Autre pêche          Altri tipi di pesca          Citi zvejas veidi          Kitos žvejybos rūšys          Egyéb típusú halászat          Tipi ohra ta' sajd          Andere visserijtypes          Inne          Outra pesca          Alte tipuri de pescuit          Iné druhy rybolovu          Drugi tipi ribolova          Muu kalastus          Annat fiske</p>



**Information communicated by Member States regarding closure of fisheries**

(2011/C 223/06)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	10.6.2011
Duration	10.6.2011-31.12.2011
Member State	Portugal
Stock or Group of stocks	ANF/8C3411
Species	Anglerfish ( <i>Lophiidae</i> )
Zone	VIIIc, IX and X; EU waters of CECAF 34.1.1
Type(s) of fishing vessels	—
Reference number	—

Web link to the decision of the Member State:

[http://ec.europa.eu/fisheries/cfp/fishing\\_rules/tacs/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_en.htm)

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

## V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

## EUROPEAN COMMISSION

**Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports  
of certain seamless pipes and tubes of iron or steel originating in Ukraine**

(2011/C 223/07)

The European Commission (Commission) has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> (the basic Regulation).

**1. Request for review**

The request was lodged by the Interpipe Group (the applicant), an exporting producer from Ukraine.

The review is limited in scope to the examination of dumping as far as the applicant is concerned.

**2. Product**

The product under review is certain seamless pipes and tubes of iron or steel, of circular cross-section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis <sup>(2)</sup>, currently falling within CN codes ex 7304 11 00, ex 7304 19 10, ex 7304 19 30, ex 7304 22 00, ex 7304 23 00, ex 7304 24 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 80, ex 7304 39 58, ex 7304 39 92, ex 7304 39 93, ex 7304 51 89, ex 7304 59 92 and ex 7304 59 93 <sup>(3)</sup>, originating in Ukraine (the product concerned),

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

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

<sup>(3)</sup> As presently defined in Commission Regulation (EU) No 861/2010 of 5 October 2010 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 284, 29.10.2010, p. 1). The product coverage is determined in combining the product description in Article 1(1) of Council Regulation (EC) No 954/2006 (OJ L 175, 29.6.2006, p. 4) and the product description of the corresponding CN codes taken together.

**3. Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 954/2006 <sup>(4)</sup>, as last amended by Council Regulation (EC) No 812/2008 <sup>(5)</sup>.

**4. Grounds for the review**

The request pursuant to Article 11(3) is based on prima facie evidence, provided by the applicant, that, as far as the applicant is concerned, the circumstances on the basis of which the existing measures were imposed have changed and that these changes are of lasting nature.

The applicant alleges that its corporate structure has changed as a result of the reorganisation and merger of the two production plants controlled by Interpipe Group, i.e. CJSC 'Interpipe Nikopolsky Seamless Tube Plant Niko Tube' and the CJSC 'Interpipe Nikopolskaya Tube Company' in order to form 'Interpipe Niko Tube', which is the successor of all property and non-property rights and liabilities of CJSC 'Interpipe Nikopolsky Seamless Tube Plant Niko Tube' and CJSC 'Interpipe Nikopolskaya Tube Company'.

The applicant provided prima facie evidence showing that, as far as the three exporting producers are concerned, the continued imposition of the measure at its current level is no longer necessary to counteract the injurious dumping. In particular, the applicant alleges that the significant changes in the production organisation and a restructuring in the sales organisation of the company, both in the domestic and export markets, have had a direct impact in the cost structure of

<sup>(4)</sup> OJ L 175, 29.6.2006, p. 4.

<sup>(5)</sup> OJ L 220, 15.8.2008, p. 1.

the applicant. A comparison of the applicant's normal value and its export prices to the Union indicates that the dumping margin appears to be lower than the current level of the measure.

Therefore, the continued imposition of measures at the existing level, which was based on the level of dumping previously established, appears to be no longer necessary to offset dumping.

## 5. Procedure for the determination of dumping

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the applicant under the new corporate structure.

### (a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the applicant and to the authorities of the exporting country concerned. This information and supporting evidence should reach the Commission within the time limit set in point 6(a).

### (b) 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).

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(b).

## 6. Time limits

### (a) 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 making itself known within the aforementioned period.

### (b) Hearings

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

## 7. Written submissions, questionnaire replies and correspondence

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

For this investigation, the Commission will use an electronic document management system. Interested parties are requested to make all submissions and requests in electronic format (the non-confidential submissions via e-mail, the confidential ones on CD-R/DVD), and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. However, any powers of attorney and signed certifications accompanying questionnaire replies or any updates thereof shall be submitted on paper, i.e. by post or by hand, to the address below. Pursuant to Article 18(2) of the basic Regulation if an interested party cannot provide its submissions and requests in electronic format, it must immediately inform the Commission. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade (<http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>)

Commission address for correspondence:

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

Fax +32 22956505

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

## 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 shall 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. 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 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>.

## 11. Hearing officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of the Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to the 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 on the website of the Directorate-General for Trade (<http://ec.europa.eu/trade>).

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

**Notice of initiation of an anti-dumping proceeding concerning imports of tartaric acid originating in the People's Republic of China, limited to one Chinese exporting producer, Hangzhou Bioking Biochemical Engineering Co., Ltd.**

(2011/C 223/08)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> ('the basic Regulation'), alleging that imports of tartaric acid, originating in the People's Republic of China, and produced by Hangzhou Bioking Biochemical Engineering Co., Ltd. ('Hangzhou Bioking' or 'the exporting producer concerned') are being dumped and are thereby causing material injury to the Union industry.

### 1. Complaint

The complaint was lodged on 15 June 2011 by the following producers (the complainants): Distillerie Bonollo SpA, Industria Chimica Valenzana SpA, Distillerie Mazzari SpA, Caviro Distillerie S.r.l. and Comercial Quimica Sarasa s.l. representing a major proportion, in this case more than 50 % of the total Union production of tartaric acid.

### 2. Product under investigation

The product subject to this investigation is tartaric acid, excluding D-(-)- tartaric acid with a negative optical rotation of at least 12,0 degrees, measured in a water solution according to the method described in the European Pharmacopoeia, originating in the People's Republic of China ('the product under investigation').

### 3. Allegation of dumping <sup>(2)</sup>

The product allegedly being dumped is the product under investigation, originating in the People's Republic of China ('the country concerned'), currently falling within CN code ex 2918 12 00. This CN code is given for information only.

Since, in view of the provisions of Article 2(7) of the basic Regulation, the People's Republic of China is considered to be a non-market economy country, the complainant established normal value for Hangzhou Bioking on the basis of the price in a market economy third country, namely Argentina. The allegation of dumping is based on a comparison of the

normal value thus established with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

On this basis the dumping margins calculated are significant.

### 4. Allegation of injury

The complainants have provided evidence that imports of the product under investigation from Hangzhou Bioking have increased overall in absolute terms and in terms of market share.

The *prima facie* evidence provided by the complainants shows that the volume and prices of the imported product under investigation have, among other consequences, had a negative impact on the quantities sold, the level of prices charged and the market share held by the Union industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Union industry.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

The investigation will determine whether the product under investigation originating in the country concerned and produced by Hangzhou Bioking is being dumped and whether this dumping has caused or has contributed to the injury to the Union industry. If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

#### 5.1. Procedure for the determination of dumping

The exporting producer <sup>(3)</sup> concerned of the product under investigation is invited to participate in the Commission's investigation. For this purpose it has to submit a completed questionnaire containing information on, inter alia, the structure of the company, the activities of the company in relation to the

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Dumping is the practice of selling a product for export ('the product concerned') at a price below its 'normal value'. The normal value is usually taken to be a comparable price for the 'like' product on the domestic market of the country concerned. The term 'like product' is interpreted to mean a product which is alike in all respects to the product concerned or, in the absence of such a product, a product which closely resembles the product.

<sup>(3)</sup> An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via third party, including any of its related companies involved in the production, domestic sales or exports of the product concerned. Non-producing exporters are normally not entitled to an individual duty rate.

product under investigation, the cost of production, the sales of the product under investigation on the domestic market of the country concerned and the sales of the product under investigation to the Union.

#### 5.1.1. Investigating exporting producer

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the exporting producer concerned and to the authorities of the People's Republic of China.

#### 5.1.2. Selection of a market economy third country

Subject to the provisions of Section 5.1.2.2 below, 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 shall be determined on the basis of the price or constructed value in a market economy third country. For this purpose the Commission shall select an appropriate market economy third country. The Commission has provisionally chosen Argentina. Interested parties are hereby invited to comment on the appropriateness of this choice within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

##### 5.1.2.1. Treatment of exporting producers in the non-market economy country concerned

In accordance with Article 2(7)(b) of the basic Regulation, in the event that Hangzhou Bioking considers that market economy conditions prevail for it in respect of the manufacture and sale of the product under investigation, it may submit a properly substantiated claim to this effect ('MET claim'). Market economy treatment ('MET') will be granted if the assessment of the MET claim shows that the criteria laid down in Article 2(7)(c) of the basic Regulation<sup>(4)</sup> are fulfilled. The dumping margin of Hangzhou Bioking, if granted MET, will be calculated, to the extent possible and without prejudice to the use of facts available pursuant to Article 18 of the basic Regulation, by using their own normal value and export prices in accordance with Article 2(7)(b) of the basic Regulation.

Hangzhou Bioking may also, or as an alternative, claim individual treatment ('IT'). To be granted IT, Hangzhou Bioking must provide evidence that it fulfils the criteria set out in

<sup>(4)</sup> The exporting producers have to demonstrate in particular that: (i) business decisions and costs are made in response to market conditions and without significant State interference; (ii) firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes; (iii) there are no significant distortions carried over from the former non-market economy system; (iv) bankruptcy and property laws guarantee legal certainty and stability; and (v) exchange rate conversions are carried out at market rates.

Article 9(5) of the basic Regulation<sup>(5)</sup>. The dumping margin of Hangzhou Bioking, if granted IT, will be calculated on the basis of its own export prices. The normal value for Hangzhou Bioking, if granted IT, will be based on the values established for the market economy third country selected as outlined above.

#### (a) Market economy treatment (MET)

The Commission will send a MET claim form to Hangzhou Bioking as well as to the authorities of the People's Republic of China. If the exporting producer concerned decides to claim MET, it should submit the completed MET claim form within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

#### (b) Individual treatment (IT)

To apply for IT, Hangzhou Bioking should submit the MET claim form with the sections relevant for IT duly completed within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

#### 5.1.3. Investigating unrelated importers<sup>(6)</sup> <sup>(7)</sup>

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

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These

<sup>(5)</sup> The exporting producers have to demonstrate in particular that: (i) in the case of wholly or partly foreign owned firms or joint ventures, exporters are free to repatriate capital and profits; (ii) export prices and quantities and conditions and terms of sale are freely determined; (iii) the majority of the shares belong to private persons. State officials appearing on the Board of Directors or holding key management positions shall either be in a minority or it must be demonstrated that the company is nonetheless sufficiently independent from State interference; (iv) exchange rate conversions are carried out at the market rate; and (v) State interference is not such as to permit circumvention of measures if individual exporters are given different rates of duty.

<sup>(6)</sup> Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. For the definition of a related party see footnote 8.

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



parties should do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the following information on their company or companies:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the precise activities of the company with regard to the product under investigation,
- total turnover during the period 1 July 2010 to 30 June 2011,
- the volume in tonnes and value in EUR of imports into and resales made on the Union market during the period 1 July 2010 to 30 June 2011 of the imported product under investigation originating in the country concerned and produced by Hangzhou Bioking,
- the names and the precise activities of all related companies<sup>(8)</sup> involved in the production and/or sales of the product under investigation, and
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response ('on-spot verification'). If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating

<sup>(8)</sup> In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife; (ii) parent and child; (iii) brother and sister (whether by whole or half blood); (iv) grandparent and grandchild; (v) uncle or aunt and nephew or niece; (vi) parent-in-law and son-in-law or daughter-in-law; (vii) brother-in-law and sister-in-law (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

importers are based on the facts available and the result may be less favourable to that party than if it had cooperated.

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

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

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The completed questionnaire will contain information on, inter alia, the structure of their company(ies), the activities of the company(ies) in relation to the product under investigation and on the sales of the product under investigation.

## 5.2. Procedure for the determination of injury

Injury means material injury to the Union industry, or threat of material injury to the industry, or material retardation of the establishment of such an industry. A determination of injury is based on positive evidence and involves an objective examination of the volume of the dumped imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is materially injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

### 5.2.1. Investigating Union producers

In view of the large number of Union producers involved in this proceeding and in order to complete the investigation within the set time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in Section 5.6 below) and to comment on the appropriateness of this choice within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

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

All known Union producers and/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 association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The completed questionnaire will contain information on, inter alia, the structure of their company(ies), the financial situation of the company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production and the sales of the product under investigation.

### 5.3. Procedure for the assessment of Union interest

Should the existence of dumping and injury caused thereby be established, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether the adoption of anti-dumping measures would be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

### 5.4. Other written submissions

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence should reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

### 5.5. Possibility to be heard by the Commission investigation services

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

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

All 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>(9)</sup>.

Interested parties providing 'limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

For this investigation, the Commission will use an electronic document management system. Interested parties are requested to make all submissions and requests in electronic format (the non-confidential submissions via e-mail, the confidential ones on CD-R/DVD), and must indicate the name, address, e-mail, address, telephone and fax numbers of the interested party. However, any Powers of Attorney and signed certifications accompanying questionnaire replies or any updates thereof shall be submitted on paper, i.e. by post or by hand, at

<sup>(9)</sup> A 'limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).



the address below. Pursuant to Article 18(2) of the basic Regulation if an interested party cannot provide its submissions and requests in electronic format, it must immediately inform the Commission. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>

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## 6. Non-cooperation

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

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

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

## 7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer of Directorate-General for Trade. The Hearing Officer

acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may 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.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among others, to dumping, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on Trade DG's website ([http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index\\_en.htm](http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm)).

## 8. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.

## 9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>(10)</sup>.

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<sup>(10)</sup> OJ L 8, 12.1.2001, p. 1.

## Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of tartaric acid originating in the People's Republic of China

(2011/C 223/09)

The European Commission (Commission) has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> (the basic Regulation).

### 1. Request for review

The request was lodged by the following producers in the Union: Distillerie Bonollo SpA, Industria Chimica Valenzana SpA, Distillerie Mazzari SpA, Caviro Distillerie S.r.l. and Comercial Quimica Sarasa s.l. (the applicants).

The review is limited in scope to the examination of dumping as far as two Chinese exporting producers are concerned, namely Changmao Biochemical Engineering Co., Ltd, Changzhou City, and Ninghai Organic Chemical Factory, Ninghai.

### 2. Product under investigation

The product subject to this investigation is tartaric acid, excluding D-(-)- tartaric acid with a negative optical rotation of at least 12,0 degrees, measured in a water solution according to the method described in the European Pharmacopoeia, originating in the People's Republic of China (the product under investigation).

### 3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 130/2006 <sup>(2)</sup> on imports of tartaric acid originating in the People's Republic of China, as last amended by Council Regulation (EC) No 150/2008 <sup>(3)</sup>. These measures continue to be in force due to an ongoing expiry review <sup>(4)</sup>.

### 4. Grounds for the review

The request pursuant to Article 11(3) is based on prima facie evidence, provided by the applicants, that, as far as the two Chinese exporting producers are concerned, the circumstances on the basis of which the existing measures were imposed have changed and that these changes are of lasting nature.

The applicants provided prima facie evidence showing that, as far as the two exporting producers are concerned, the continued

imposition of the measures at their current level is no longer sufficient to counteract the injurious dumping. In particular, the applicants allege that both Chinese exporting producers participate in certain recent governmental programs from which they derive benefits which as a consequence distort the actual cost base of their production and put into question whether the companies can still be granted market economy treatment. A comparison of the exporting producers' normal value, either on a basis of a constructed normal value in the People's Republic of China or on domestic prices in an analogue country, in this case Argentina, with their export prices to the Union indicates that the dumping margins appear to be higher than the current level of the measures.

Therefore, the continued imposition of measures at the existing level, which was based on the level of dumping previously established, appears to be no longer sufficient to counteract dumping.

### 5. Procedure for the determination of dumping

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the exporting producers.

#### (a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the above mentioned exporting producers and to the authorities of the exporting country concerned. This information and supporting evidence should reach the Commission within the time limit set in point 6(a)(i).

#### (b) 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)(i).

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ L 23, 27.1.2006, p. 1.

<sup>(3)</sup> OJ L 48, 22.2.2008, p. 1.

<sup>(4)</sup> OJ C 24, 26.1.2011, p. 14.

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)(ii).

(c) *Market economy treatment/individual treatment*

In the event that the exporting producers provide sufficient evidence showing that they operate under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. For this purpose, a duly substantiated claim must be submitted within the specific time limit set in point 6(b) of this notice. The Commission will send a claim form to the exporting producers as well as to the authorities of the People's Republic of China. This claim form may also be used by the exporting producers to claim individual treatment, i.e. that they meet the criteria laid down in Article 9(5) of the basic Regulation.

(d) *Selection of the market economy country*

In the event that the exporting producers are not granted market economy treatment, but fulfil the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the People's Republic of China in accordance with Article 2(7)(a) of the basic Regulation. The Commission envisages using Argentina again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product concerned from the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in point 6(c) of this notice.

Furthermore, in the event that the exporting producers are granted market economy treatment, the Commission may, if necessary, use findings concerning the normal value established in an appropriate market economy country, e.g. for the purpose of replacing any unreliable cost or price element in the People's Republic of China which is needed in establishing the normal value, if reliable necessary data is not available in the People's Republic of China. The Commission considers using Argentina also for this purpose.

## 6. Time limits

(a) *General time limits*

- (i) 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.

(ii) *Hearings*

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

(b) *Specific time for submission of claims for market economy treatment and/or individual treatment*

The exporting producers' duly substantiated claims for market economy treatment, as mentioned in point 5(c) of this notice, must reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

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

Parties to the investigation may wish to comment on the appropriateness of Argentina which, as mentioned in point 5(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. Instructions for making written submissions and sending completed questionnaires and correspondence

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 pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

<sup>(1)</sup> A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

For this investigation, the Commission will use an electronic document management system. Interested parties are requested to make all submissions and requests in electronic format (the non-confidential submissions via email, the confidential ones on CD-R/DVD), and must indicate the name, address, email address, telephone and fax numbers of the interested party. However, any powers of attorney and signed certifications accompanying questionnaire replies or any updates thereof shall be submitted on paper, i.e. by post or by hand, at the address below. Pursuant to Article 18(2) of the basic Regulation if an interested party cannot provide its submissions and requests in electronic format, it must immediately inform the Commission. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade (<http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>).

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### 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 shall 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. 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 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>.

### 11. Hearing Officer

Interested parties may request the intervention of the Hearing Officer of the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may 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 of the Directorate-General for Trade's website ([http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index\\_en.htm](http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm)).

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

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

EUROPEAN COMMISSION

**Prior notification of a concentration**

**(Case COMP/M.6225 — Molaris/Commerz Real/RWE/Amprion)**

**(Text with EEA relevance)**

(2011/C 223/10)

1. On 15 July 2011, 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 M 31 Beteiligungsgesellschaft mbH & Co. Energie KG ('Colmar', Germany), acquires within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Amprion GmbH ('Amprion', Germany), by way of share purchase and contract. Colmar is jointly controlled by Molaris Vermietungs- und Verwaltungsgesellschaft mbH ('Molaris', Germany), ultimately controlled by several private persons, and Commerz Real AG, ultimately controlled by Commerzbank AG ('Commerzbank', Germany). Currently, Amprion is solely controlled by RWE.

2. The business activities of the undertakings concerned are:

- for undertaking RWE: electricity generation, energy trading, gas and electricity transport and supply,
- for undertaking Commerzbank: financial services,
- for undertaking Colmar: holding a share stake in and exercising joint control over Amprion,
- Molaris: renting and management of real estate,
- for undertaking Amprion: electricity transmission system operator.

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

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6225 — Molaris/Commerz Real/RWE/Amprion, to the following address:

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

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

**Prior notification of a concentration**  
**(Case COMP/M.6326 — Stanley Black & Decker/Niscayah Group)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2011/C 223/11)

1. On 22 July 2011, 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 Stanley Black & Decker, Inc. (United States) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Niscayah Group AB (Sweden) by way of public bid announced on 27 June 2011.

2. The business activities of the undertakings concerned are:

- Stanley Black & Decker: hard tools and engineered solutions for industrial, construction, do-it yourself (DIY) use, fastening and assembly systems, and security solutions mainly for commercial applications,
- Niscayah Group AB: fire protection solutions, video-surveillance systems, access control equipment, as well as installation, maintenance, monitoring and alarm response services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <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. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6326 — Stanley Black & Decker/Niscayah Group, to the following address:

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

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

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



**Prior notification of a concentration**

**(Case COMP/M.6303 — Antin Infrastructure Partners FCPR/RREEF Pan European Infrastructure Fund LP/Andasol-1 Central Thermosolar Uno, SA AND Andasol-2 Central Thermosolar, Dos SA)**

**Candidate case for simplified procedure**

(Text with EEA relevance)

(2011/C 223/12)

1. On 20 July 2011, 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 Antin Infrastructure Partners FCPR ('Antin', France) and RREEF Pan European Infrastructure Fund LP ('RREEF', England) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Andasol-1 Central Thermosolar Uno, SA and Andasol-2 Central Thermosolar Dos, SA (together referred to as Andasol-1&2, both of Spain), two existing companies, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Antin: Investment fund active in European infrastructure,
  - for RREEF: Investment fund active, inter alia, in European infrastructure,
  - for Andasol-1&2: Production of electricity in Spain using solar thermal technology.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation <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. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6303 — Antin Infrastructure Partners FCPR/RREEF Pan European Infrastructure Fund LP/Andasol-1 Central Thermosolar Uno, SA AND Andasol-2 Central Thermosolar, Dos SA, to the following address:

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

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

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











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