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### Information and Notices

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## I

(Resolutions, recommendations and opinions)

## OPINIONS

## EUROPEAN COMMISSION

## COMMISSION OPINION

of 20 December 2011

**relating to the plan for the disposal of radioactive waste arising from the first dismantling stage of the A3 reactor of the Chinon Nuclear Power Station, located in France, in accordance with Article 37 of the Euratom Treaty**

(Only the French text is authentic)

(2011/C 373/01)

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

On 7 June 2011, the European Commission received from the French Government, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste arising from the first dismantling stage of the A3 reactor of the Chinon nuclear power station in France.

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

1. The distance between the power station and the nearest border with another Member State, in this case the United Kingdom, is 384 km. Belgium is the next nearest Member State at a distance of 426 km. Spain and Luxembourg are at distances of 460 km and 494 km respectively.
2. During normal dismantling operations the discharges of radioactive liquid and gaseous effluents are not liable to affect the health of the population of another Member State.
3. Solid radioactive waste is temporarily stored on site before being transferred to licensed treatment or disposal facilities located in France. There are no plans to export radioactive waste out of France.

The Commission recommends that the residual activity concentration checks, carried out to confirm the conventional nature of the solid waste after decontamination, be such that compliance with the clearance criteria laid down in the basic safety standards directive (Directive 96/29/Euratom) is ensured.

4. In the event of unplanned releases of radioactive effluents that may follow an accident of the type and magnitude considered in the General Data, the doses likely to be received by the population in another Member State would not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form arising from the first stage of the dismantling of the A3 reactor of the Chinon nuclear power station in France, both in normal operation and in the event of an accident of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination of the water, soil or airspace of another Member State.

Done at Brussels, 20 December 2011.

*For the Commission*  
Günther OETTINGER  
*Member of the Commission*

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**COMMISSION OPINION****of 20 December 2011****relating to the plan for the disposal of radioactive waste from the Very Low-level Waste Repository located adjacent to the Ignalina Nuclear Power Plant site in Lithuania, in accordance with Article 37 of the Euratom Treaty****(Only the Lithuanian text is authentic)**

(2011/C 373/02)

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

On 16 June 2011, the European Commission received from the Lithuanian Government, in accordance with Article 37 of the Euratom Treaty, General Data relating to the plan for the disposal of radioactive waste arising from the Very Low-level Waste Repository, located adjacent to the Ignalina Nuclear Power Plant site in Lithuania.

On the basis of these data and additional information requested by the Commission on 6 July 2011 and provided by the Lithuanian authorities on 1 August 2011, and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance between the installation and the nearest point of another Member State, in this case Latvia, is 8 km. The next nearest Member State is Poland at some 250 km. The Republic of Belarus, as neighbouring country, is at a distance of 5 km.
2. During the operational period of the repository:
  - Radioactive waste will be emplaced in the repository without intention of retrieval.
  - The repository will not be subject to a discharge authorisation for liquid and gaseous radioactive effluents. Under normal operational conditions, radioactive gases will emanate and radioactive leachates may escape from the repository in minute amounts; these will however not be liable to affect the health of the population of another Member State or a neighbouring country.
  - In the event of unplanned releases of radioactive effluents, that may follow the accidents of the type and magnitude considered in the General Data, the doses likely to be received by the population in another Member State or in a neighbouring country, would not be significant from the point of view of health.

3. After the final closure of the repository:

The measures envisaged for the final closure of the repository as described in the General Data provide reliance that the conclusions under point 2 above will remain valid in the long-term.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form arising from the Very Low-level Waste Repository located adjacent to the site of the Ignalina Nuclear Power Plant in Lithuania, during its normal operational period and after its final closure, as well as in the event of an accident of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination of the water, soil or airspace of another Member State or a neighbouring country.

Done at Brussels, 20 December 2011.

*For the Commission*  
Günther OETTINGER  
*Member of the Commission*

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# EUROPEAN DATA PROTECTION SUPERVISOR

## Opinion of the European Data Protection Supervisor on a proposal for a regulation of the European Parliament and of the Council creating a European account preservation order to facilitate cross-border debt recovery in civil and commercial matters

(2011/C 373/03)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,

Having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7 and 8 thereof,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup>,

Having regard to the request for an opinion in accordance with Article 28(2) of Regulation (EC) No 45/2001 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>(2)</sup>,

HAS ADOPTED THE FOLLOWING OPINION:

### I. INTRODUCTION

1. On 25 July 2011, the Commission adopted a proposal for a regulation of the European Parliament and of the Council creating a European account preservation order (hereinafter: 'EAPO') to facilitate cross-border debt recovery in civil and commercial matters <sup>(3)</sup>.
2. The proposal was sent to the EDPS in accordance with Article 28(2) of Regulation (EC) No 45/2001 on the same day as it was adopted. The EDPS was informally consulted prior to the adoption of the proposal. The EDPS welcomed this informal consultation and is pleased to see that almost all his remarks have been taken into account in the final proposal.

3. In this Opinion the EDPS will briefly explain and analyse the data protection aspects of the proposal.

### II. THE DATA PROTECTION ASPECTS OF THE PROPOSAL

#### II.1. The data processing activities under the proposed regulation

4. The proposed regulation will establish a European procedure for a protective measure which enables a creditor ('the claimant') to obtain a European account preservation order (hereinafter: 'EAPO') preventing the withdrawal or transfer of funds held by the debtor ('the defendant') in a bank account within the EU. The proposal intends to improve the current situation in which, due to 'cumbersome, lengthy and costly' procedures, debtors can easily escape enforcement measures by swiftly moving their money from a bank account in one Member State to another <sup>(4)</sup>.
5. Personal data is processed in various ways and transferred between various actors under the proposed regulation. A relevant distinction is made between two situations. In the first place, the situation in which an EAPO is requested prior to the initiation of judicial procedures or in which a judgment, court settlement or authentic instrument has not yet been declared enforceable in the Member State of enforcement <sup>(5)</sup>. In the second place, the situation in which an EAPO is requested after an enforceable judgment, court settlement or authentic instrument has been obtained.
6. In the first situation, personal data of the claimant as well as of the defendant (identification data, details of defendant's bank account, description of relevant circumstances and evidence of conduct) is provided by the claimant to the national court where proceedings on the substance of the matter have to be brought in accordance with the applicable rules on jurisdiction. The application is made with use of the form set out in Annex I to the proposal (see Article 8 of the proposal).

<sup>(4)</sup> See the explanatory memorandum to the proposal, p. 4.

<sup>(5)</sup> The notion of 'authentic instrument' is defined in Article 4(11) of the proposal as meaning 'a document which has been formally drawn up or registered as an authentic instrument in a Member State and the authenticity of which: (a) relates to the signature and the content of the instrument; and (b) has been established by a public authority or other authority empowered for that purpose'.

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(3)</sup> See COM(2011) 445 final.

7. In the second situation, the claimant sends personal data of the defendant (identification data, details of defendant's bank account and a copy of the judgment, court settlement or authentic instrument) either to the court that issued the judgment or court settlement or, in case of an authentic instrument, to the competent authority of the Member State where the authentic instrument has been drawn up, or directly to the competent authority in the Member State of enforcement. The application is made with use of the form set out in Annex I to the proposal (see Article 15).
  8. In both situations, the claimant must provide all information with regard to the defendant and the defendant's bank account(s) necessary to enable the bank(s) to identify that defendant and his/her account(s) (see Article 16 of the proposal). For natural persons, this includes the full name of the defendant, the name of the bank, the account number(s), the defendant's full address and his or her date of birth or national identity or passport number. This is all reflected in the form set out in Annex I (see point 4.7 of Annex I). Optional data fields in the form are the telephone number and the e-mail address of the defendant (see point 3 of Annex I).
  9. If the claimant does not have the account information of the defendant available, the claimant may request the competent authority of the Member State of enforcement to obtain the necessary information pursuant to Article 17 of the proposal. Such a request must be made in the application for an EAPO and must include 'all information available to the claimant' about the defendant and the defendant's bank accounts (see Article 17(1) and (2)). The court or issuing authority issues the EAPO and transmits it to the competent authority of the Member State of enforcement who uses 'all appropriate and reasonable means available in the Member State of enforcement to obtain the information' (Article 17(3) and (4)). The methods of obtaining the information are one of the following: obliging all banks in their territory to disclose whether the defendant holds an account with them and access by the competent authority where the information is held by public authorities or administrations in registers or otherwise (Article 17(5)).
  10. In Article 17(6) it is underlined that the information referred to in Article 17(4) shall be 'adequate for the purpose of identifying the defendant's account or accounts, relevant and not excessive and be limited to (a) the defendant's address; (b) the bank or banks holding the defendant's account or accounts; (c) the defendant's account number or numbers'.
  11. Several provisions of the proposal entail the cross-border exchange of information, including personal data. As regards the transfer of the EAPO from the court or issuing authority to the competent authority in the Member State of enforcement, this is done with use of the form set out in Annex II to the proposal (see Articles 21 and 24 of the proposal). This form contains less data on the defendant, as no reference is made to the defendant's date of birth, national identity number or passport number or to his or her telephone number or e-mail address. It seems to follow from the different steps described in the proposed regulation that this is due to the fact that either the account number(s) of the defendant have already been determined beyond doubt or this information still has to be collected by the competent authority of the Member State of enforcement on the basis of Article 17 of the proposal.
  12. Article 20 deals with the communication and cooperation between courts. Information on all relevant circumstances may be sought directly or through the contact points of the European Judicial Network in civil and commercial matters established by Decision 2001/470/EC <sup>(1)</sup>.
  13. Within three working days following the receipt of an EAPO, the bank informs the competent authority in the Member State of enforcement and the claimant using the form set out in Annex III to the proposal (see Article 27). This form requires the same information on the defendant as the form set out in Annex II. In Article 27(3) it is stated that the bank may transmit its declaration by secured electronic means of communication.
- ## II.2. Data protection requirements
14. The various personal data processing activities covered by the proposed regulation must be performed with due observance to the rules on data protection as set out in Directive 95/46/EC and the national legislation implementing it. The EDPS is pleased to see that this has been emphasised in recital 21 and Article 46(3) of the proposal. The EDPS also welcomes the reference to Articles 7 and 8 of the EU Charter on Fundamental Rights in recital 20 of the proposal.
  15. Certain information on the claimant and the defendant are indispensable for the proper functioning of the EAPO. Data protection rules require that only information is used which is proportionate and actually necessary. The EDPS is pleased to see that the Commission has seriously considered the proportionality and necessity of the processing of personal data for the purposes of the current proposal.

<sup>(1)</sup> OJ L 174, 27.6.2001, p. 25.

16. This is illustrated in the first place by the limited list of personal details required in Articles 8, 15 and 16, as well as Annexes to the proposal. The EDPS notes with satisfaction that the amount of personal data decreases in the different annexes which follow the different steps in the EAPO procedure. In general, the EDPS has no reason to believe that the required data goes beyond what is necessary for the purposes of the proposed regulation. In this respect, the EDPS has only two further remarks.
17. The first relates to the address details of the claimant in the Annexes to the proposed regulation. According to Article 25 of the proposal, the defendant shall be served with the EAPO and all documents submitted to the court or competent authority with a view to obtaining the order, which seems to include the information provided in Annexes I, II and III. There is no indication of the possibility for the claimant to request the removal of his address details from the different documents before they are sent to the defendant. As there might be circumstances in which revealing the address details of the claimant to the defendant might entail the risk of the claimant being subject to out of court pressure from the defendant, the EDPS suggests the legislator to include in Article 25 the possibility for the claimant to request the removal of these details from the information provided to the defendant.
18. The second remark relates to the optional data fields in Annex I regarding the telephone number and e-mail address. If this information is included as data fields which can be used if other contact information of the defendant is missing, this should be clarified. Otherwise, there seems to be no reasons to keep these data fields.
19. A further illustration of the serious considerations the Commission has put to the proportionality and necessity of the processing of personal data for the purposes of the present proposal is the explicit reference to the necessity principle in Article 16 and Article 17(1) and (6) of the proposal. Article 16 refers to all information 'necessary' to identify the defendant, Article 17(1) to the 'necessary' information and Article 17(6) reiterates the wording of Article 6(1)(c) of Directive 95/46/EC which provides that the data should be adequate, relevant and not excessive. The EDPS is satisfied with these provisions, as they make it visible that the collection of personal data should be done in accordance with the principle of necessity. Still Article 17 raises some questions.
20. Article 17(2) requires the claimant to provide 'all information available to the claimant' about the defendant and the defendant's bank account(s). This is a broad formulation which could entail the transfer of all kinds of information on the defendant. The provision does not make clear that such information should be restricted to information which is necessary to identify the defendant and determine his or her bank account(s). The EDPS recommends including this restriction in Article 17(2).
21. The reference in Article 17(4) to 'all the appropriate and reasonable means' could imply methods of investigation which severely intrude into the private life of the defendant. Read in conjunction with Article 17(5), however, it becomes clear that these means are restricted to the two methods which were described in point 9 of this Opinion. However, in order to prevent any misunderstanding on the scope of the means available to the competent authority, the legislator could consider replacing the reference to 'all appropriate and reasonable means' by 'one of the two methods referred to in paragraph 5'.
22. As to the two methods mentioned in Article 17(5)(b), the EDPS has questions with regard to the second one. This method concerns access by the competent authority where that information is held by public authorities or administrations in registers or otherwise. In Annex I to the proposal reference is made to 'existing public registers' (see point 4 of Annex I). For the sake of clarity, it should be explained what is actually meant by Article 17(5)(b) of the proposal. It should be underlined that not only the information collected should be necessary for the purposes of the proposed regulation; also the methods for collecting the information should comply with the principles of necessity and proportionality.
23. As regard the cross border transfer of the data between the different entities involved, the EDPS sees no particular problems from a data protection point of view. Only Article 27(3) of the proposal raises some further reflection. It is provided that banks may transmit its declaration (using the form set out in Annex III) by secured electronic means of communication. The word 'may' is used as the use of electronic means is an alternative for sending the declaration by regular post. This follows from Annex III. Article 27(3) intends to allow banks to use electronic means of communication, however only if these means are secure. The EDPS recommends the legislator to clarify this provision, as the current text could be interpreted as making the use of *secured* means optional. Article 27(3) could be replaced by: 'The bank may transmit its declaration by electronic means of communication, if these means are secure in line with Articles 16 and 17 of Directive 95/46/EC'.

### III. CONCLUSION

24. The EDPS is pleased to see the efforts taken to address the different data protection aspects which are raised by the proposed instrument of an EAPO. More in particular, he appreciates the application of and the references to the principle of necessity. However, the EDPS believes the proposed regulation would still require some further improvements and clarifications. The EDPS recommends:

- to consider including in Article 25 the possibility for the claimant to request the removal of his address details from the information provided to the defendant,
- to remove the optional data fields from Annex I (the telephone number and e-mail address of the defendant) if the actual need is not proven,
- to restrict the information provided by the claimant under Article 17(2) to what is necessary to identify the defendant and to determine his or her bank account(s),

— to consider replacing the reference in Article 17(4) to 'all appropriate and reasonable means' by 'one of the two methods referred to in paragraph 5',

— to explain what is meant by the 'existing public registers' referred to in Article 17(5)(b),

— to rephrase Article 27(3) as follows: 'The bank may transmit its declaration by electronic means of communication, if these means are secure in line with Articles 16 and 17 of Directive 95/46/EC'.

Done at Brussels, 13 October 2011.

Giovanni BUTTARELLI  
*Assistant European Data Protection Supervisor*

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## IV

*(Notices)*

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

## COUNCIL

**Notice for the attention of the persons and entities to which restrictive measures provided for in Council Decision 2010/800/CFSP, as amended by Council Decision 2011/860/CFSP, concerning restrictive measures against the Democratic People's Republic of Korea apply**

(2011/C 373/04)

COUNCIL OF THE EUROPEAN UNION,

The following information is brought to the attention of the persons and entities that appear in Annexes II and III to Council Decision 2010/800/CFSP, as amended by Council Decision 2011/860/CFSP <sup>(1)</sup>, concerning restrictive measures against the Democratic People's Republic of Korea.

The Council of the European Union has decided that the persons and entities that appear in the above-mentioned Annexes should be included in the list of persons and entities subject to restrictive measures provided for in Decision 2010/800/CFSP concerning restrictive measures against the Democratic People's Republic of Korea. The grounds for designations of those persons and entities appear in the relevant entries in those Annexes.

The attention of the persons and entities concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the web-sites in Annex II to Council Regulation (EC) No 329/2007, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 7 of the Regulation).

The persons and entities concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the above-mentioned list should be reconsidered, to the following address:

Council of the European Union  
General Secretariat  
DG K Coordination Unit  
Rue de la Loi/Wetstraat 175  
1048 Bruxelles/Brussel  
BELGIQUE/BELGIË

The attention of the persons and entities concerned is also drawn to the possibility of challenging the Council's Decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, second paragraph, and Article 263, fourth and sixth paragraphs, of the Treaty on the Functioning of the European Union.

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<sup>(1)</sup> OJ L 338, 21.12.2011.

## EUROPEAN COMMISSION

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

20 December 2011

(2011/C 373/05)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3074	AUD	Australian dollar	1,3082
JPY	Japanese yen	101,88	CAD	Canadian dollar	1,3508
DKK	Danish krone	7,4338	HKD	Hong Kong dollar	10,1751
GBP	Pound sterling	0,83680	NZD	New Zealand dollar	1,7139
SEK	Swedish krona	8,9780	SGD	Singapore dollar	1,7033
CHF	Swiss franc	1,2192	KRW	South Korean won	1 519,17
ISK	Iceland króna		ZAR	South African rand	10,8132
NOK	Norwegian krone	7,7080	CNY	Chinese yuan renminbi	8,2914
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,5198
CZK	Czech koruna	25,491	IDR	Indonesian rupiah	11 878,68
HUF	Hungarian forint	300,56	MYR	Malaysian ringgit	4,1569
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	57,256
LVL	Latvian lats	0,6969	RUB	Russian rouble	41,9600
PLN	Polish zloty	4,4590	THB	Thai baht	40,922
RON	Romanian leu	4,3165	BRL	Brazilian real	2,4303
TRY	Turkish lira	2,4760	MXN	Mexican peso	18,0685
			INR	Indian rupee	69,2600

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

**New national side of euro coins intended for circulation**

(2011/C 373/06)



*National side of the new commemorative 2-euro coin intended for circulation and issued by Luxembourg*

Euro coins intended for circulation have legal tender status throughout the euro area. For the purpose of informing the public and all parties who handle the coins, the Commission publishes a description of the designs of all new coins <sup>(1)</sup>. In accordance with the Council conclusions of 10 February 2009 <sup>(2)</sup>, euro-area Member States and countries that have concluded a monetary agreement with the Community providing for the issuing of euro coins are allowed to issue commemorative euro coins intended for circulation, provided that certain conditions are met, particularly that only the 2-euro denomination is used. These coins have the same technical characteristics as other 2-euro coins, but their national face features a commemorative design that is highly symbolic in national or European terms.

**Issuing country:** Luxembourg

**Subject of commemoration:** The Grand-Duke Henri and the Grand-Duke Guillaume IV from the series 'grand-ducal dynasty'

**Description of the design:**

The coin depicts on the left hand of its inner part the effigy of His Royal Highness, the Grand-Duke Henri, looking to the right, and superimposed on the effigy of the Grand-Duke Guillaume IV, looking to the right. The text 'GRANDS-DUCS DE LUXEMBOURG' and the year-date '2012', flanked by the mintmark and the initials of the Mintmaster, appear above the effigies on the inner part of the coin. In front of the effigies, the outline of the city of Luxembourg appears as background. The names 'HENRI' and 'GUILLAUME IV' as well as the text '† 1912' are depicted below their respective effigies.

The coin's outer ring depicts the 12 stars of the European flag.

**Number of coins to be issued:** 1,4 million

**Date of issue:** January 2012

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<sup>(1)</sup> See OJ C 373, 28.12.2001, p. 1 for the national faces of all the coins issued in 2002.

<sup>(2)</sup> See the conclusions of the Economic and Financial Affairs Council of 10 February 2009 and the Commission Recommendation of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (OJ L 9, 14.1.2009, p. 52).

## NOTICES FROM MEMBER STATES

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

(2011/C 373/07)

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	26.11.2011
Duration	26.11.2011-31.12.2011
Member State	Germany
Stock or Group of stocks	HER/5B6ANB
Species	Herring ( <i>Clupea harengus</i> )
Zone	EU and international waters of Vb, VIb and VIaN
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.

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

(2011/C 373/08)

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	13.11.2011
Duration	13.11.2011-31.12.2011
Member State	United Kingdom/GBR
Stock or Group of stocks	BOR/678-
Species	Boarfish ( <i>Caproidae</i> )
Zone	EU and international waters of VI, VII and VIII
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)

## ADMINISTRATIVE PROCEDURES

## EUROPEAN COMMISSION

**Addendum to the call for proposals 2012 — EAC/27/11****Lifelong Learning Programme (LLP)**

(2011/C 373/09)

The present addendum complements the call for proposals 2011/C 233/06 as follows:

**1. Objectives and description**

This call for proposals is based on the decision establishing the Lifelong Learning Programme which was adopted by the European Parliament and the Council on 15 November 2006 (Decision No 1720/2006/EC) <sup>(1)</sup>. The programme covers the 2007 to 2013 period. The specific objectives of the Lifelong Learning Programme are listed in Article 1.3 of the Decision.

**2. Eligibility**

The Lifelong Learning Programme applies to all types and levels of education and vocational education and training and it is accessible to all the entities listed in Article 4 of the Decision.

Applicants must be established in one of the following countries <sup>(2)</sup>:

- the 27 Member States of the European Union,
- the EEA/EFTA countries: Iceland, Liechtenstein, Norway, Switzerland,
- Candidate countries: Croatia, Turkey.

In addition, applicants from the former Yugoslav Republic of Macedonia and the Republic of Serbia are eligible for all the programme actions listed in point A.2 of the Annex to Decision No 1720/2006/EC <sup>(3)</sup>.

<sup>(1)</sup> Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning <http://eur-lex.europa.eu/lex/LexUriServ/LexUriServ.do?uri=OJ:L:2006:327:0045:0068:EN:PDF> and Decision No 1357/2008/EC of the European Parliament and of the Council of 16 December 2008 amending Decision No 1720/2006/EC: <http://eur-lex.europa.eu/lex/LexUriServ/LexUriServ.do?uri=OJ:L:2008:350:0056:0057:EN:PDF>

<sup>(2)</sup> Except for the Jean Monnet programme that is open to higher education institutions in the whole world.

<sup>(3)</sup> Subject to the signature of a Memorandum of Understanding between the Commission and the competent authorities of each of these countries respectively. If, by the first of the month of the grant award decision, the Memorandum of Understanding has not been signed, participants from this country will not be funded and will not be taken into account with regard to the minimum size of consortia/partnerships.

Furthermore, applicants from the former Yugoslav Republic of Macedonia are eligible for the following actions <sup>(1)</sup>:

- Comenius, Grundtvig, Erasmus and Leonardo da Vinci: Preparatory visits,
- Comenius and Grundtvig: In-service training,
- Grundtvig: Visits and exchanges,
- Erasmus: Students mobility for studies,
- Erasmus: Staff mobility — Teaching assignments,
- Study visits under the key activity 1 of the Transversal programme,
- Leonardo da Vinci: Mobility.

In compliance with Article 14(2) of the Decision establishing the LLP, multilateral projects and networks under Comenius, Erasmus, Leonardo da Vinci, Grundtvig and the key activities of the Transversal programme are also open to partners from other third countries. Please refer to the LLP Guide 2012 for the details of the actions concerned and the modalities of participation.

### 3. Budget and duration of projects

The total budget earmarked for this call is estimated at EUR 1 141 484 000.

The level of grants awarded as well as the duration of projects vary depending on factors such as the type of project and the number of countries involved.

### 4. Deadline for the submission of applications

The main deadlines are as follows:

Comenius Individual Pupil Mobility	1 December 2011
Comenius, Grundtvig: In-service training	
first deadline:	16 January 2012
further deadlines:	30 April 2012
	17 September 2012
Comenius: Assistantships	31 January 2012
Comenius, Erasmus, Leonardo da Vinci, Grundtvig: Multilateral projects, networks and accompanying measures	2 February 2012
Leonardo da Vinci: Multilateral projects for the Transfer of Innovation	2 February 2012

<sup>(1)</sup> On the basis of the Financing Agreement between the Government of the former Yugoslav Republic of Macedonia and the European Commission, signed on 21 December 2010, concerning the National programme for component I under the Instrument for Pre-Accession Assistance — Centralised management, for the year 2009, which provides for EU funding of project 4.3 'Preparatory measures for the Lifelong Learning and Youth in Action programmes'.

Leonardo da Vinci: Mobility (including the Leonardo da Vinci mobility certificate); Erasmus: Intensive Language Courses (EILC)	3 February 2012
Jean Monnet programme	15 February 2012
Comenius, Leonardo da Vinci, Grundtvig: Partnerships; Comenius: Comenius Regio Partnerships; Grundtvig: Workshops	21 February 2012
Erasmus: Intensive programmes (IP), students mobility for studies and placements (including the Erasmus consortium placement certificate) and staff mobility (teaching assignments and staff training)	9 March 2012
Grundtvig: Assistantships, Senior Volunteering Projects	30 March 2012
Transversal programme: Key activity 1 — Study visits	
first deadline:	30 March 2012
second deadline:	12 October 2012
Transversal programme: all other activities	1 March 2012

For Grundtvig Visits and exchanges and for Preparatory visits under all sectoral programmes there are several deadlines specific to each country. Please refer to the website of the relevant National Agency in your country.

#### 5. Full details

The full text of the 'LLP General call for proposals 2011-2013 — Strategic priorities 2012', together with the 'LLP Programme Guide 2012' and the information on the availability of application forms can be found at the following Internet address: [http://ec.europa.eu/education/llp/doc848\\_en.htm](http://ec.europa.eu/education/llp/doc848_en.htm)

Applications must comply with all terms of the full text of the call and of the LLP Programme Guide and be submitted on the correct forms provided.

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

### EUROPEAN COMMISSION

#### **Notice of initiation of an anti-dumping proceeding concerning imports of certain organic coated steel products originating in the People's Republic of China**

(2011/C 373/10)

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 certain organic coated steel products, originating in the People's Republic of China, are being dumped and are thereby causing material injury to the Union industry.

#### **1. Complaint**

The complaint was lodged on 7 November 2011 by Eurofer ('the complainant') on behalf of producers representing a major proportion, in this case more than 70 %, of the total Union production of certain organic coated steel products.

#### **2. Product under investigation**

The product subject to this investigation is certain organic coated steel products, i.e. flat-rolled products of non-alloy and alloy steel (not including stainless steel) which are painted, varnished or coated with plastics on at least one side, excluding so-called 'sandwich panels' of a kind used for building applications and consisting of two outer metal sheets with a stabilising core of insulation material sandwiched between them, and excluding those products with a final coating of zinc-dust (a zinc-rich paint, containing by weight 70 % or more of zinc) ('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 codes ex 7210 70 80, ex 7212 40 80, ex 7225 99 00, ex 7226 99 70. These CN codes are given for information only.

<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.

Since, in view of the provisions of Article 2(7) of the basic Regulation, the country concerned is considered to be a non-market economy country, the complainant established normal value for the imports from the People's Republic of China on the basis of the price in two market economy third countries, namely Canada and South Africa. 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 for the country concerned.

#### **4. Allegation of injury**

The complainant has provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms and have increased in terms of market share.

The *prima facie* evidence provided by the complainant shows that the volume and the 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, the financial situation and the employment 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 is being dumped and whether this dumping has caused 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

Exporting producers <sup>(3)</sup> of the product under investigation from the country concerned are invited to participate in the Commission investigation.

### 5.1.1. Investigating exporting producers

#### 5.1.1.1. Procedure for selecting exporting producers to be investigated in the country concerned

##### (a) Sampling

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

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

- 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 under investigation sold for export to the Union during the investigation period ('IP') from 1 October 2010 to 30 September 2011 for each of the 27 Member States <sup>(4)</sup> separately and in total,
- the turnover in local currency and the volume in tonnes of the product under investigation sold on the domestic market during the investigation period ('IP') from 1 October 2010 to 30 September 2011,

<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.

<sup>(4)</sup> The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

— the precise activities of the company worldwide with regard to the product under investigation,

— the names and the precise activities of all related companies <sup>(5)</sup> involved in the production and/or sales (export and/or domestic) of the product under investigation,

— any other relevant information that would assist the Commission in the selection of the sample.

The exporting producers should also indicate whether, in the event that they are not selected to be in the sample, they would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual dumping margin in accordance with Section (b) below.

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 exporting producers are based on 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 exporting producers, the Commission will also contact the authorities of the country concerned and may contact any known associations of exporting producers.

<sup>(5)</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.

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

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

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

The completed questionnaire will contain information on, inter alia, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the 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.

Companies that had agreed to their possible inclusion in the sample but were not selected to be in the sample shall be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to Section (b) below, the anti-dumping duty that may be applied to imports from the non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample <sup>(6)</sup>.

(b) Individual dumping margin for companies not included in the sample

Non-sampled cooperating exporting producers may request, pursuant to Article 17(3) of the basic Regulation, that the Commission establish their individual dumping margins ('individual dumping margin'). The exporting producers wishing to claim an individual dumping margin must request a questionnaire and other claim forms in accordance with Section (a) above and return them duly completed within the deadlines specified in the following sentence and in Section 5.1.2.2 below. The completed questionnaire reply must be submitted within 37 days of the date of the

notification of the sample selection, unless otherwise specified. It must be underlined that, in order for the Commission to be able to establish individual dumping margins for those exporting producers in the non-market economy country, it must be proven that they fulfil the criteria for being granted market economy treatment ('MET') or at least individual treatment ('IT') as specified in Section 5.1.2.2 below.

However, exporting producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

5.1.2. Additional procedure with regard to exporting producers in the non-market economy country concerned

5.1.2.1. 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 country concerned 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 is considering either Canada or South Africa. Interested parties are hereby invited to comment on the appropriateness of these countries within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.1.2.2. Treatment of exporting producers in the non-market economy country concerned <sup>(7)</sup>

In accordance with Article 2(7)(b) of the basic Regulation, individual exporting producers in the country concerned, which consider that market economy conditions prevail for them in respect of the manufacture and sale of the product under investigation, may submit a properly substantiated claim to this

<sup>(6)</sup> Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation shall be disregarded.

<sup>(7)</sup> Notwithstanding the fact that in this subparagraph only the possibility to claim MET or IT are mentioned, the Commission invites all exporting producers to fully cooperate and participate in the investigation with a view to obtaining an individual dumping margin and an individual anti-dumping duty, even if they consider that they may not meet neither the criteria for being granted MET nor those for being granted IT. In such situations, the Commission will gather information in the light of the considerations expressed by the Appellate Body of the World Trade Organization in its report in DS 397 (EC-Fasteners), in particular points 371-384 thereof (see <http://www.wto.org>). However, the fact that the Commission gathers this information does not prejudice whether and which consequences the European Union will attach to that ruling in this investigation.

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>(8)</sup> are fulfilled. The dumping margin of the exporting producers 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.

Individual exporting producers in the country concerned may also, or as an alternative, claim individual treatment ('IT'). To be granted IT these exporting producers must provide evidence that they fulfil the criteria set out in Article 9(5) of the basic Regulation<sup>(9)</sup>. The dumping margin of the exporting producers granted IT will be calculated on the basis of their own export prices. The normal value for exporting producers 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 MET claim forms to all the exporting producers in the country concerned selected to be in the sample and to non-sampled cooperating exporting producers that wish to apply for an individual dumping margin, to any known association of exporting producers, as well as to the authorities of the country concerned.

All exporting producers claiming MET should submit a completed MET claim form within 21 days of the date of the notification of the sample selection or of the decision not to select a sample, unless otherwise specified.

(b) Individual treatment (IT)

To apply for IT, exporting producers in the country concerned selected to be in the sample and non-sampled

- <sup>(8)</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.
- <sup>(9)</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.

cooperating exporting producers that wish to apply for an individual dumping margin should submit the MET claim form with the sections relevant for IT duly completed within 21 days of the date of the notification of sample selection, unless otherwise specified.

5.1.3. Investigating unrelated importers<sup>(10)</sup> <sup>(11)</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 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 from 1 October 2010 to 30 September 2011,
- the volume in tonnes and value in euros of imports into and resales made on the Union market during the period from 1 October 2010 to 30 September 2011 of the imported product under investigation originating in the country concerned,
- the names and the precise activities of all related companies<sup>(12)</sup> involved in the production and/or sales of the product under investigation,

<sup>(10)</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 5.

<sup>(11)</sup> The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

<sup>(12)</sup> For the definition of a related party see footnote 5.

— 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 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 statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in Section 5.6 below). Other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample should contact the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

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

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

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known 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>(13)</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.

Interested parties are required 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, signed certifications, and any updates thereof, accompanying MET and IT claim forms or questionnaire replies 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 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  
E-mail: TRADE-OCS-DUMPING@ec.europa.eu

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

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, 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

<sup>(13)</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).

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 DG 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)

#### **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 nine 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>(14)</sup>.

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<sup>(14)</sup> OJ L 8, 12.1.2001, p. 1.

**Notice of the expiry of certain anti-dumping measures**

(2011/C 373/11)

Further to the publication of a notice of impending expiry <sup>(1)</sup> following which no duly substantiated request for a review was lodged, the Commission gives notice that the anti-dumping measure mentioned below will shortly expire.

This notice is published in accordance with Article 11(2) 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>(2)</sup>.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry <sup>(1)</sup>
Solutions of urea and ammonium nitrate	Algeria Belarus Russia Ukraine	Anti-dumping duty	Council Regulation (EC) No 1911/2006 (OJ L 365, 21.12.2006, p. 26) as amended by Council Regulation (EC) No 789/2008 (OJ L 213, 8.8.2008, p. 14) and as last amended by Council Implementing Regulation (EU) No 1251/2009 (OJ L 338, 19.12.2009, p. 5)	22.12.2011
		Undertaking	Commission Decision 2008/649/EC (OJ L 213, 8.8.2008, p. 39)	

<sup>(1)</sup> The measure expires at midnight of the day mentioned in this column.

<sup>(1)</sup> OJ C 64, 1.3.2011, p. 11.

<sup>(2)</sup> OJ L 343, 22.12.2009, p. 51.



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