

Official Journal

of the European Union

C 18



English edition

Information and Notices

Volume 55

21 January 2012

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EN

Price:
EUR 3

(¹) Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN COMMISSION

COMMISSION OPINION

of 20 January 2012

relating to the modified plan for the disposal of radioactive waste arising from the Blayais Nuclear Power Station, located in France

(Only the French text is authentic)

(2012/C 18/01)

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 6 September 2011, the European Commission received from the French Government, in accordance with Article 37 of the Euratom Treaty, General Data relating to the modified plan for the disposal of radioactive waste arising from the Blayais Nuclear Power Station.

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

1. The distances from the power station to the nearest Member States are 226 km for Spain and 568 km for Italy.
2. The planned modification aims at using MOx fuel assemblies in two of the four units present on the site (units 3 and 4).
3. During normal operating conditions, the planned modification will not cause an exposure of the population of another Member State that is significant from the point of view of health.
4. In the event of unplanned releases of radioactive effluents which may follow an accident of the type and magnitude considered in the General Data, the planned modification is not likely to lead to doses to the population of another Member State that would be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the modified plan for the disposal of radioactive waste in whatever form from the Blayais Nuclear Power Station, located 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 that would be significant from the point of view of health.

Done at Brussels, 20 January 2012.

For the Commission
Günther OETTINGER
Member of the Commission

II

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

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case COMP/M.6425 — Imperial Mobility/Lehnkering)****(Text with EEA relevance)**

(2012/C 18/02)

On 22 December 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 32011M6425. 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 ⁽¹⁾

20 January 2012

(2012/C 18/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2902	AUD	Australian dollar	1,2379
JPY	Japanese yen	99,53	CAD	Canadian dollar	1,3076
DKK	Danish krone	7,4362	HKD	Hong Kong dollar	10,0145
GBP	Pound sterling	0,83390	NZD	New Zealand dollar	1,6071
SEK	Swedish krona	8,7804	SGD	Singapore dollar	1,6463
CHF	Swiss franc	1,2077	KRW	South Korean won	1 463,46
ISK	Iceland króna		ZAR	South African rand	10,2858
NOK	Norwegian krone	7,6600	CNY	Chinese yuan renminbi	8,1732
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,5670
CZK	Czech koruna	25,466	IDR	Indonesian rupiah	11 541,85
HUF	Hungarian forint	304,68	MYR	Malaysian ringgit	4,0016
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	55,940
LVL	Latvian lats	0,6990	RUB	Russian rouble	40,4552
PLN	Polish zloty	4,3196	THB	Thai baht	40,719
RON	Romanian leu	4,3440	BRL	Brazilian real	2,2804
TRY	Turkish lira	2,3640	MXN	Mexican peso	17,1248
			INR	Indian rupee	64,8730

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

Opinion of the Advisory Committee on restrictive practices and dominant position given at its meeting on 5 December 2011 concerning a draft decision relating to Case COMP/39.692 — IBM Maintenance Services

Rapporteur: Estonia

(2012/C 18/04)

1. The Advisory Committee agrees with the Commission's assessment in its draft decision as communicated to the Advisory Committee on 21 November 2011 under Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the EEA Agreement.
 2. The Advisory Committee agrees with the Commission that the proceedings can be concluded by means of a decision pursuant to Article 9(1) of Regulation (EC) No 1/2003.
 3. The Advisory Committee agrees with the Commission that the commitments offered by IBM are suitable, necessary and proportionate.
 4. The Advisory Committee agrees with the Commission that, in light of the commitments offered by IBM, there are no longer grounds for action by the Commission, without prejudice to Article 9(2) of Regulation (EC) No 1/2003.
 5. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*.
-

Final Report of the Hearing Officer ⁽¹⁾
COMP/39.692 — IBM Maintenance Services
(2012/C 18/05)

- (1) On 23 July 2010, the Commission decided to open proceedings against International Business Machines Corporation ('IBM') for alleged abuse of dominance on the market for inputs needed in order to provide maintenance services of IBM's mainframe hardware and operating system software.
- (2) A preliminary assessment was adopted by the Commission on 1 August 2011 pursuant to Article 9(1) of Regulation (EC) No 1/2003 ⁽²⁾ and notified to IBM on 2 August 2011. This preliminarily concluded that IBM may have refused to grant third party maintainers access to certain inputs required to provide maintenance services of IBM's mainframe hardware and operating system software, in violation of Article 102 of the Treaty on the Functioning of the European Union, in particular paragraph (b) thereof, and Article 54 of the Agreement on the European Economic Area.
- (3) On 14 September 2011, IBM submitted a first commitments proposal to address the concerns raised by the Commission in its preliminary assessment. On 20 September 2011, the Commission published a notice on the *Official Journal of the European Union* in accordance with Article 27(4) of Regulation (EC) No 1/2003, summarizing the case, the main content of the commitments, the proposed course of action and inviting third parties to submit comments on IBM's proposed commitments ⁽³⁾. In response to the notice, the Commission received seven observations from interested third parties and informed IBM of these comments. IBM submitted a revised set of commitments on 24 October 2011.
- (4) In its decision pursuant to Article 9(1) of Regulation (EC) No 1/2003, the Commission makes the commitments offered by IBM binding upon it for a total period of five years and concludes that in light of the remedies offered, there are no longer grounds for action on its part, and thus the proceedings in this case should be brought to an end.
- (5) I did not receive any request or complaint from any party to the proceedings in the present case ⁽⁴⁾. In view thereof, I consider that the effective exercise of the procedural rights of all participants in this case has been respected.

Brussels, 5 December 2011.

Wouter WILS

⁽¹⁾ Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings, OJ L 275, 20.10.2011, p. 29 ('Decision 2011/695/EU').

⁽²⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L 1, 4.1.2003, p. 1.

⁽³⁾ Notice published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case COMP/39.692/IBM — Maintenance services, OJ C 275, 20.9.2011, p. 8.

⁽⁴⁾ In accordance to Article 15(1) of Decision 2011/695/EU, parties to the proceedings offering commitments pursuant to Article 9 of Regulation (EC) No 1/2003 may call upon the hearing officer at any stage of the procedure in order to ensure the effective exercise of their procedural rights.

**Summary of Commission Decision
of 13 December 2011**

**relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union
and Article 54 of the EEA Agreement**

(Case COMP/39.692 — IBM Maintenance Services)

(notified under document C(2011) 9245)

(Only the English text is authentic)

(Text with EEA relevance)

(2012/C 18/06)

On 13 December 2011 the Commission adopted a decision pursuant to Article 9 of Council Regulation (EC) No 1/2003 relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union ('TFEU'). In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission herewith publishes the name of the party concerned and the main content of the decision having regard to the legitimate interest of undertakings in the protection of their business secrets. A non-confidential version of the decision is available on the Directorate-General for Competition's website at the following address:

http://ec.europa.eu/competition/elojade/isef/case_details.cfm?proc_code=1_39692

1. INTRODUCTION

- (1) The decision pursuant to Article 9 of Council Regulation (EC) No 1/2003 is addressed to International Business Machines Corporation ('IBM'). It renders the commitments offered by IBM binding in order to address the competition concerns arising from an investigation by the Commission in the maintenance market for IBM mainframe hardware and operating system software products.

2. CASE DESCRIPTION

2.1. Preliminary competition concerns

- (2) Mainframes are powerful computers used by large companies and government institutions worldwide to store and process critical business information. Due to their high reliability, availability and serviceability, mainframes are commonly used to run mission-critical business processes. In order to ensure business continuity, expeditious maintenance is therefore essential. Maintenance services for mainframes are offered both by IBM and by third party maintainers ('TPMs').
- (3) On 1 August 2011 the Commission addressed a preliminary assessment to IBM setting out concerns that IBM may have abused its dominant position on the maintenance market for its mainframe hardware and operating system software products.
- (4) In particular the Commission preliminarily concluded that IBM might hold a dominant position on the market for the inputs which are required to provide maintenance

services for IBM mainframes and that IBM might have imposed unreasonable supply conditions, with regard to certain inputs required for the maintenance of IBM mainframes, on its competitors in the maintenance market, thus putting them at a competitive disadvantage. The Commission concluded that this conduct might amount to a constructive refusal to supply towards competing providers of mainframe maintenance services in contravention of Article 102 TFEU.

- (5) IBM's practices may affect various TPMs, some of which are active in different Member States. For this reason, the Commission's preliminary conclusion was that the practices raising concern may have repercussions on the pattern of competition within the internal market.

2.2. The Commitments

- (6) On 14 September 2011, in response to the Commission's concerns expressed in the preliminary assessment, IBM submitted commitments to the Commission.
- (7) On 20 September 2011, a notice pursuant to Article 27(4) of Regulation (EC) No 1/2003 was published in the *Official Journal of the European Union*, summarising the case and the commitments and inviting interested third parties to submit their observations on the commitments within one month following its publication.
- (8) Within this deadline the Commission received seven observations from interested third parties. The Commission informed IBM of these comments and on 24 October 2011, IBM submitted an amended proposal for commitments (dated 21 October 2011).

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

- (9) On 5 December 2011, the Advisory Committee on Restrictive Practices and Dominant Positions was consulted and issued a favourable opinion. On 5 December the Hearing Officer issued his final report.
- (10) On 13 December 2011, the Commission made IBM's revised commitments binding by decision pursuant to Article 9 of Regulation (EC) No 1/2003. IBM commits, for a period of five years, to the expeditious availability of critical spare parts and technical information under commercially reasonable and non-discriminatory terms and to allow third parties to enforce the commitments. In an Annex to the Commitments, IBM also submitted a number of standard contract clauses detailing how the obligations undertaken will be implemented. Any modification or amendment of these standard clauses will require the Commission's prior authorisation.
- (11) The Commission takes the view that the commitments in their final form are sufficient and necessary to address the

competition concerns identified in the preliminary assessment without being excessive. As the competition concerns arise from the fact that IBM may have refused to grant adequate access to certain inputs required to provide maintenance services for IBM mainframes, the Commission considers that the revised commitments are proportionate. They address these concerns by guaranteeing the expeditious availability to TPMs, under commercially reasonable and non-discriminatory terms, of relevant spare parts and technical information essential for IBM mainframe maintenance by TPMs.

3. CONCLUSIONS

- (12) In light of the revised commitments offered, the Commission considers that there are no longer grounds for action on its part and, without prejudice to Article 9(2) of Regulation (EC) No 1/2003, the proceedings in this case should therefore be brought to an end.

COMMISSION DECISION
of 19 January 2012
on setting up of the European Union Offshore Oil and Gas Authorities Group
(2012/C 18/07)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) Article 191 of the Treaty establishes the objectives of preserving, protecting and improving the quality of the environment and creates an obligation for all Union action to be supported by a high level of protection based on the precautionary principle and preventive action and to prudent and rational utilisation of natural resources.
- (2) The Union policy aims at reducing the occurrence of major accidents related to offshore oil and gas activities and to limit their consequences, thus increasing the protection of the marine environment and coastal economies against pollution as well as limiting possible disruptions to indigenous energy production in the Union, and at improving the response mechanisms in case of an accident.
- (3) The accidents related to offshore oil and gas activities in 2010, notably the Deepwater Horizon in the Gulf of Mexico, have sparked a review of policies aimed at ensuring the safety of offshore activities. The Commission expressed its initial views on the safety of offshore oil and gas operations in its Communication 'Facing the challenge of the safety of offshore oil and gas activities' ⁽¹⁾ on 12 October 2010.
- (4) The risks of a major offshore oil or gas accident occurring in Union waters are not insignificant. Offshore oil and gas industries are established in a number of regions of the Union, and there are prospects for new regional developments in Union waters. Production of offshore oil and gas is a significant element in EU security of energy supply.
- (5) While the Union already has examples of excellence in national regulatory practices related to offshore oil and gas activities, levelling up of the implementation of the regulatory framework for offshore oil and gas operations, can further improve the safety of offshore activities.
- (6) The continuous exchange of experience, identification of best practices among regulatory authorities and the industry and improvement of implementation measures are being recognised as key aspects of a well functioning regulatory regime.
- (7) The value of collaboration between offshore authorities has been clearly established by the activities of the North Sea Offshore Authorities Forum and the International Regulators Forum. Building on those experiences, it is important to maximise the effectiveness of transfer of experience and knowledge across the Union through a formal Union-wide structure.
- (8) Based primarily on the activities of national regulators, the European Union Offshore Oil and Gas Authorities Group should involve in its activities experience from relevant stakeholders including relevant third countries. The Authorities Group should facilitate the transfer of knowledge among stakeholders and assist in the production of formal guidelines relating to best practices.
- (9) The objectives of offshore authorities collaborating on matters relating to preventing the occurrence of, and responding to offshore major accidents are also complementary to the objectives of the Standing Working Party of Mining and Other Extractive Industries established under Article 6 of Council Decision 2003/C 218/01 setting up an Advisory Committee on Safety and Health at Work, and complementary to the objectives of the said Committee.
- (10) Rules on disclosure of information by members of the Authorities Group and their representatives should be provided for, without prejudice to the Commission's rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom.
- (11) Personal data relating to the members of the Authorities Group should be processed 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 ⁽²⁾.

⁽¹⁾ COM(2010) 560 final.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The European Union Offshore Oil and Gas Authorities Group (hereinafter the 'Authorities Group') is hereby set up.

Article 2

Task

1. The Authorities Group shall serve primarily as a forum for the exchange of experiences and expertise between national authorities and the Commission.
2. The activities of the Authorities Group may encompass, in coordination with activities of other relevant expert groups, all issues relating to major accident prevention and response in offshore oil and gas operations within the Union, as well as beyond its borders, where appropriate.
3. The Authorities Group shall discuss, assist and give its opinions to the Commission, either at the Commission's request or on its own initiative, in particular on the following issues:
 - (a) identifying priorities for preparation of guidance documents, standards and best practices in the oil and gas sector;
 - (b) preparing, or initiating and overseeing the preparation of, guidelines on the industry best practices;
 - (c) in the interest of sharing experience, facilitating rapid information exchange between the Commission and national authorities, regarding e.g. the occurrence and causes of and responses to major incidents, and events which could have led to major accidents as well as, operational intelligence concerning drilling installations that intend to move between Member States;
 - (d) promoting and facilitating consensus between the Commission and national authorities regarding the best regulatory practice;
 - (e) promoting exchanges and secondment of staff between national authorities to increase their knowledge and experience;
 - (f) exchanging information regarding the application of national and Union legislation and policies relevant to offshore oil and gas activities, including measures to prevent intentional unlawful acts against those activities, and assisting the Commission in monitoring the implementation of relevant Union acquis.

Article 3

Consultation

1. Without prejudice to Article 2 the Commission may consult the Authorities Group on any matter relating to major hazards in offshore oil and gas prospecting, exploration and production.

2. The Authorities Group shall consult with other Commission Expert Groups where there are complementary interests to ensure that relevant matters are brought to the attention of the other groups, and to receive information of interest to the Authorities Group.

Article 4

Membership — Appointment

1. The Authorities Group shall be composed of Member States' authorities responsible for the regulatory oversight of offshore oil and gas activities and related policy issues.
2. Member States' authorities shall nominate their representatives.
3. The names of Member States' authorities shall be published in the Register of Commission expert groups and other similar entities ('the Register').
4. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. The Authorities Group shall be chaired by a representative of the Commission who may appoint a co-chair.
2. In agreement with the Commission services, the Authorities Group may set up sub-groups to examine specific questions, such as the exchange of best practices, on the basis of appropriate terms of reference. Such sub-groups shall be dissolved as soon as their mandates are fulfilled.
3. Representatives from the sectors concerned, including industry, trade unions, academia, research organisations, NGOs, relevant Union Agencies, third countries and other stakeholders may take part in the work of the Authorities Group at the Chairman's invitation. In addition, observer status may be given to individuals or organisations whose participation may contribute to the work of the Authorities Group.
4. The Authorities Group and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. If not otherwise provided, the Commission shall provide secretarial services.
5. A Member State may seek the opinion of the Authorities Group on documents and published information regarding major hazards in offshore oil and gas activities pursuant to the provisions of applicable Union legislation.

6. The Authorities Group shall regularly report on its activity, notably on the identification and implementation of best practices and the performance of the offshore industry.

7. The Authorities Group shall meet at least once a year.

8. Nominated members of the Authorities Group and the Chair shall meet at least once a year with counterparts from the Standing Working Party for the Mining and Other Extractive Industries to discuss the work of both organisations for the preceding period and to share future work plans.

9. Information obtained by participating in the deliberations of the Authorities Group or its sub-groups shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.

10. The Authorities Group shall adopt its rules of procedure on the basis of the standard rules of procedure for expert groups.

Article 6

Meeting expenses

1. Participants in the activities of the Authorities Group or its sub-groups shall not be remunerated for the services they render.

2. Travel and subsistence expenses incurred by participants in the activities of the Authorities Group or its sub-groups shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resource.

Done at Brussels, 19 January 2012.

For the Commission

Günther OETTINGER

Member of the Commission

NOTICES FROM MEMBER STATES

Commission communication pursuant to Article 16(4)(1) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community

Imposition of public service obligations in respect of scheduled air services between Lampedusa and Pantelleria and Trapani, Palermo and Catania

(Text with EEA relevance)

(2012/C 18/08)

Member State	Italy
Routes concerned	Pantelleria–Trapani and vice versa Pantelleria–Palermo and vice versa Lampedusa–Palermo and vice versa Lampedusa–Catania and vice versa
Date of entry into force of the public service obligations	25 March 2012
Address where information and/or documentation related to the public service obligation can be obtained free of charge	ENAC Ente nazionale per l'aviazione civile Direzione centrale sviluppo economico Direzione sviluppo trasporto aereo Viale del Castro Pretorio 118 00185 Roma RM ITALIA Internet: http://www.enac.gov.it E-mail: osp@enac.gov.it

Commission communication pursuant to Article 17(5) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community

Invitation to tender in respect of the operation of scheduled air services in accordance with public service obligations as detailed in the information notice published in OJ C 53 of 19 February 2011

(Text with EEA relevance)

(2012/C 18/09)

Member State	Italy
Routes concerned	Pantelleria–Trapani and vice versa Pantelleria–Palermo and vice versa Lampedusa–Palermo and vice versa Lampedusa–Catania and vice versa
Period of validity of the contract	18 months as of 25 March 2012
Deadline for submitting tenders	Two months from the publication of this notice
Address where the text of the invitation to tender and any relevant information and/or documentation related to the public tender and the public service obligation can be obtained free of charge	ENAC Ente nazionale per l'aviazione civile Direzione centrale sviluppo economico Direzione sviluppo trasporto aereo Viale del Castro Pretorio 118 00185 Roma RM ITALIA Internet: http://www.enac.gov.it E-mail: osp@enac.gov.it

V

(Announcements)

ADMINISTRATIVE PROCEDURES

Publication pursuant to Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding-up of credit institutions

(2012/C 18/10)

On 7 December 2011, the Vilnius District Court made a ruling on initiation of bankruptcy proceedings against AB Bankas Snoras and on appointment of bankruptcy administrator, as such the 24 November 2011 decision adopted by the Resolution of the Board of the Bank of Lithuania No 03-196 to permanently revoke the banking licence of AB Bankas Snoras entered into effect.

Announcement pursuant to Article 13 of Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding-up of credit institutions

(2012/C 18/11)

EXTRACT FROM THE DECISION TO INITIATE BANKRUPTCY PROCEEDINGS IN RESPECT OF AKCINĖ BENDROVĖ BANKAS SNORAS

On 7 December 2011, Vilnius Regional Court adopted a decision to initiate bankruptcy proceedings in respect of the public limited liability company bank Snoras (Akcinė bendrovė bankas Snoras, legal entity code: 112025973, VAT registration number: LT120259716, registered office: A. Vivulskio g. 7, Vilnius, Lithuania, registered in the Register of Legal Entities (hereinafter 'AB bankas Snoras')) in civil case No B2-7791-611/2011, judicial proceedings No 2-55-3-03098-2011-9.

By its decision of 7 December 2011, Vilnius Regional Court set a time limit of one month (from the date of entry into force of the decision to initiate bankruptcy proceedings) for creditors to submit claims that had arisen before the initiation of bankruptcy proceedings in respect of AB bankas Snoras.

The Court appointed Mr Neil Cooper as the bankruptcy administrator of AB bankas Snoras.

The bankruptcy proceedings in respect of AB bankas Snoras constitute winding-up proceedings within the meaning of Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding-up of credit institutions. This announcement is made pursuant to Article 13 of Directive 2001/24/EC.

An extract from the decision to initiate bankruptcy proceedings is provided below:

The Court, in accordance with Articles 290-291 of the Code of Civil Procedure of the Republic of Lithuania, Article 84 of the Law on banks and Article 9 of the Law on the bankruptcy of firms,

HAS DECIDED:

To initiate bankruptcy proceedings in respect of AB bankas Snoras, legal entity code 112025973, registered at A. Vivulskio g. 7, Vilnius.

To appoint Neil Cooper (born on 30 June 1947, address 10 Fleet Place, London, EC4M 7RB, UK, certificate No 11198) as the administrator of AB bankas Snoras.

To instruct the bankruptcy administrator to perform the tasks indicated in Article 85(1) of the Law on banks of the Republic of Lithuania and Article 10(4)(3) and (7)(8) of the Law on the bankruptcy of firms of the Republic of Lithuania.

To order the bankruptcy administrator to inform the Court immediately in writing if he becomes aware of any cases brought against AB bankas Snoras or enforcement documents submitted to bailiffs regarding recovery from AB bankas Snoras.

To set a time limit of one month, from the date of entry into force of the decision to initiate bankruptcy proceedings, for submission of creditors financial claims which arose before the initiation of bankruptcy proceedings.

To order the management bodies of AB bankas Snoras to transfer the company's assets, as per the financial statement drawn up on the basis of the data that applied on the date of entry into force of the decision to initiate bankruptcy proceedings, and all documents to the bankruptcy administrator within 15 days of the entry into force of the decision to initiate bankruptcy proceedings.

To seize all of AB bankas Snoras's immovable property and other tangible fixed assets by the day on which the decision to initiate bankruptcy proceedings enters into force.

To instruct the bankruptcy administrator to submit a copy of the decision relating to the seizure of the assets of AB bankas Snoras for enforcement to a bailiff of his choice operating within the territory of the Second District Court of the City of Vilnius.

To enforce this decision as a matter of urgency.

This decision may be appealed within 10 days of its adoption by lodging a separate appeal with the Lithuanian Court of Appeal through Vilnius Regional Court.'

Vilnius, Lithuania, 15 December 2011.

Administrator of Akcinė bendrovė bankas Snoras (in bankruptcy) (acting as its agent without personal liability)

Neil COOPER

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of ethanolamines originating in the United States of America

(2012/C 18/12)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on imports of ethanolamines originating in the United States of America ('country concerned'), the European Commission ('the Commission') has received a request for review pursuant to 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 ⁽²⁾ ('the basic Regulation').

1. Request for review

The request was lodged on 21 October 2011 by BASF AG, Ineos Europe AG, and Sasol Germany GmbH, three Union producers ('the applicants') representing a major proportion, in this case more than 50 %, of the Union production of ethanolamines.

2. Product

The product under review is ethanolamines originating in the United States of America ('the product concerned'), currently falling within CN codes ex 2922 11 00, ex 2922 12 00 and 2922 13 10.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 54/2010 ⁽³⁾.

4. Grounds for the review

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

The allegation of continuation of dumping is based on a comparison of domestic prices in the country concerned with the export prices of the product concerned to the European Union. On this basis, the dumping margin calculated is significant.

The *prima facie* evidence provided by the applicants shows that the volumes and the prices of the imported product concerned have continued, among other consequences, to have a negative impact on the level of prices charged by the Union industry, resulting in substantial adverse effects on the overall performance of the Union industry.

5. Procedure

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

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

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

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Union industry and to any known association of producers in the Union, to the exporting producers in the United States of America, and to any known association of

⁽¹⁾ OJ C 79, 12.3.2011, p. 20.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

⁽³⁾ OJ L 17, 22.1.2010, p. 1.

exporting producers, to the known importers, to any known association of importers, and to the authorities of the country concerned.

(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(ii).

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

5.2. Procedure for the assessment of Union interest

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

6. Time limits

(i) For parties to request a questionnaire

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

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

All interested parties, if their representations are to be taken into account during the investigation, must make them-

selves 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.

(iii) Hearings

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

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⁽¹⁾'.

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 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, signed certifications, and any updates thereof, accompanying 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 Director-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>

⁽¹⁾ 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).

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 04/092
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22956505

Contact:

For dumping-related matters:
Case mailbox: trade-ethanolamine-dumping@ec.europa.eu
Fax +32 22980450

For injury-related matters:
Case mailbox: trade-ethanolamine-injury@ec.europa.eu
Fax +32 22980765

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 favorable to that party than if it had cooperated.

9. Schedule of the investigation

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

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

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

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

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

11. Processing of personal data

Please note 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 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 ⁽¹⁾.

12. Hearing Officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of 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 file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details interested parties may consult the Hearing Officer's web pages of the website of the Directorate-General for Trade (http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm).

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

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