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⁽¹⁾ Text with EEA relevance

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

COUNCIL DECISION

of 10 February 2012

appointing and replacing members of the Governing Board of the European Centre for the Development of Vocational Training

(2012/C 55/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EEC) No 337/75 of 10 February 1975 establishing the European Centre for the Development of Vocational Training, and in particular Article 4 thereof ⁽¹⁾,

Having regard to the nomination submitted to the Council by the Commission in the category of Employees' representatives,

Whereas:

- (1) By its Decision of 14 September 2009 ⁽²⁾, the Council appointed the members of the Governing Board of the European Centre for the Development of Vocational Training for the period from 18 September 2009 to 17 September 2012.
- (2) A member's seat on the Governing Board of the Centre in the category of Employees' representatives has become vacant as a result of the resignation of Mr Aleksis KALENIUS,

HAS DECIDED AS FOLLOWS:

Sole Article

The following person is hereby appointed as a member of the Governing Board of the European Centre for the Development of Vocational Training for the remainder of the term of office, which runs until 17 September 2012:

REPRESENTATIVES OF EMPLOYEES' ORGANISATIONS:

FINLAND Mr Erkki LAUKKANEN
Central Organisation of Finnish Trade Unions SAK,
Confederation of Salaried Employees STTK,
Confederation of Unions for Professional and
Managerial Staff in Finland AKAVA

Done at Brussels, 10 February 2012.

For the Council
The President
C. ANTORINI

⁽¹⁾ OJ L 39, 13.2.1975, p. 1.

⁽²⁾ OJ C 226, 19.9.2009, p. 2.

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

23 February 2012

(2012/C 55/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3300	AUD	Australian dollar	1,2430
JPY	Japanese yen	106,72	CAD	Canadian dollar	1,3259
DKK	Danish krone	7,4374	HKD	Hong Kong dollar	10,3151
GBP	Pound sterling	0,84610	NZD	New Zealand dollar	1,5933
SEK	Swedish krona	8,8175	SGD	Singapore dollar	1,6707
CHF	Swiss franc	1,2053	KRW	South Korean won	1 501,33
ISK	Iceland króna		ZAR	South African rand	10,2261
NOK	Norwegian krone	7,4710	CNY	Chinese yuan renminbi	8,3787
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,5800
CZK	Czech koruna	25,075	IDR	Indonesian rupiah	12 051,58
HUF	Hungarian forint	289,50	MYR	Malaysian ringgit	4,0113
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	56,893
LVL	Latvian lats	0,6985	RUB	Russian rouble	39,3600
PLN	Polish zloty	4,1803	THB	Thai baht	40,339
RON	Romanian leu	4,3583	BRL	Brazilian real	2,2648
TRY	Turkish lira	2,3460	MXN	Mexican peso	16,9869
			INR	Indian rupee	65,3700

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

NOTICES FROM MEMBER STATES

Decision to lift a reorganisation measure in respect of Apra Leven NV

(Publication pursuant to Article 6 of Directive 2001/17/EC of the European Parliament and of the Council on the reorganisation and winding-up of insurance undertakings)

(2012/C 55/03)

Insurance undertaking	Apra Leven NV, in liquidation Address: Jan Van Rijswijcklaan 66 2018 Antwerpen BELGIË Branch office at: Consell de Cent, 389 Planta PR, Puerta 2 08009 Barcelona ESPAÑA
Date, entry into force and nature of the decision	On 24 January 2012, decision by the Board of Directors of the National Bank of Belgium to lift the decision of 4 March 2011 of the Commission for Banking, Financial Affairs and Insurance to suspend the performance of all current insurance agreements, except for the payment of advances under clearly-defined conditions, under Article 26 § 1 subpara. (2) No 2 of the Act of 9 July 1975 concerning the control of insurance companies. This decision applies to the company from the date of notification by means of a registered letter or a letter with acknowledgement of receipt. It applies to third parties from the date on which it appears in the <i>Belgisch Staatsblad</i> (Belgian Official Gazette) (Article 26 § 2 of the Act of 9 July 1975 concerning the control of insurance companies).
Competent bodies	National Bank of Belgium Boulevard de Berlaimont/Berlaimontlaan 14 1000 Bruxelles/Brussel BELGIQUE/BELGIË
Supervisory authority	National Bank of Belgium Boulevard de Berlaimont/Berlaimontlaan 14 1000 Bruxelles/Brussel BELGIQUE/BELGIË
Administrator appointed	N/a
Applicable law	Belgian law — Article 26 § 1 subpara. (2) No 2 of the Act of 9 July 1975 concerning the control of insurance companies

V

(Announcements)

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
certain polyethylene terephthalate originating in India, Indonesia, Malaysia, Taiwan and Thailand**

(2012/C 55/04)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on imports of certain polyethylene terephthalate originating in India, Indonesia, Malaysia, Taiwan and Thailand 'the countries 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 25 November 2011 by the Polyethylene Terephthalate Committee of Plastics Europe 'the applicant' on behalf of Union producers representing a major proportion, in this case more than 50 %, of the Union production of certain polyethylene terephthalate.

2. Product under review

The product under review is polyethylene terephthalate having a viscosity number of 78 ml/g or higher, according to ISO Standard 1628-5, currently falling within CN code 3907 60 20 and originating in India, Indonesia, Malaysia, Taiwan and Thailand 'the product under review'.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 192/2007 ⁽³⁾.

4. Grounds for the expiry review

The applicant has provided sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury.

4.1. Allegation of likelihood of continuation or recurrence of dumping

In the absence of reliable data on domestic prices, the allegation of likelihood of continuation of dumping for India is based on a comparison of constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in India with the export prices (at ex-works level) of the product under review when sold for export to the Union.

On this basis, the dumping margin calculated is significant.

In the absence of reliable data on domestic prices for Indonesia, the likelihood of recurrence of dumping is based on a comparison of constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in Indonesia with the export price (at ex-works level) of the product under review when sold for export to Japan, the Philippines and the United States of America, in view of the current absence of significant import volumes from Indonesia to the Union.

In the absence of reliable data on domestic prices for Malaysia, the likelihood of recurrence of dumping is based on a comparison of constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in Malaysia with the export price (at ex-works level) of the product under review when sold for export to Egypt, the People's Republic of China and the United Arab Emirates, in view of the current absence of significant import volumes from Malaysia to the Union.

In the absence of reliable data on domestic prices for Taiwan, the likelihood of recurrence of dumping is based on a comparison of constructed normal value (manufacturing costs,

⁽¹⁾ OJ C 122, 20.4.2011, p. 10.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

⁽³⁾ OJ L 59, 27.2.2007, p. 1.

selling, general and administrative costs (SG&A) and profit) in Taiwan with the export price (at ex-works level) of the product under review when sold for export to Ecuador, Japan and Peru, in view of the current absence of significant import volumes from Taiwan to the Union.

In the absence of reliable data on domestic prices for Thailand, the likelihood of recurrence of dumping is based on a comparison of constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in Thailand with the export price (at ex-works level) of the product under review when sold for export to Australia, Japan and Vietnam, in view of the current absence of significant import volumes from Thailand to the Union.

On the basis of the above comparisons of normal values and export prices, which show dumping from Indonesia, Malaysia, Taiwan and Thailand, the applicant alleges that there is likelihood of recurrence of dumping from those countries.

4.2. Allegation of likelihood of recurrence of injury

The applicant further alleges the likelihood of recurrence of injurious dumping. In this respect, the applicant has provided evidence that, should the measures be allowed to lapse, the current import level of the product under review is likely to increase due to the existence of unused capacity in the countries concerned.

The applicant also alleges that the flow of imports of the product under review is likely to rise due to the measures in force on imports of similar products originating in the countries concerned in traditional markets other than the Union, i.e. the People's Republic of China, South Africa, Turkey and the United States of America. This can lead to a redirection of exports from other third countries to the Union.

The applicant finally alleges that the removal of injury has been mainly due to the existence of the measures and that any recurrence of substantial imports at dumped prices from the countries concerned would likely lead to a recurrence of injury to the Union industry should measures be allowed to lapse.

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.

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

5.1. Procedure for the determination of likelihood of a continuation or recurrence of dumping

5.1.1. Investigating exporting producers

Exporting producers ⁽¹⁾ of the product under review from the countries concerned are invited to participate in this review investigation.

In view of the potentially large number of exporting producers in India, Indonesia, Malaysia, Taiwan and Thailand 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 information on their company(ies) requested in Annex A to this notice.

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 India, Indonesia, Malaysia, Taiwan and Thailand and may contact any known associations of exporting producers.

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 of the product under review to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the countries concerned and associations of exporting producers will be notified by the Commission, via the authorities of the countries concerned if appropriate, of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers, and to the authorities of the countries concerned.

⁽¹⁾ An exporting producer is any company in the countries 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.

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 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 review, the cost of production, the sales of the product under review on the domestic market of the country concerned and the sales of the product under review 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'.

5.1.2. Investigating unrelated importers ⁽¹⁾ ⁽²⁾

Unrelated importers of the product under review from India, Indonesia, Malaysia, Taiwan and Thailand to the Union are invited to participate in this investigation.

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 must do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless

⁽¹⁾ 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. 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.

⁽²⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

otherwise specified, by providing the Commission with the information on their company(ies) requested in Annex B to this notice.

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 review 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 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 review and on the sales of the product under review.

5.2. Procedure for the determination of likelihood of recurrence of injury and investigating Union producers

In order to establish whether there is a likelihood of recurrence of injury to the Union industry, Union producers of the product under review are invited to participate in the Commission investigation.

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). Other Union

producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample must 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 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 review, the cost of production and the sales of the product under review.

5.3. *Procedure for the assessment of Union interest*

Should the likelihood of continuation or recurrence of dumping and recurrence of injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the anti-dumping measures would not 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 review.

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 must 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⁽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 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 questionnaire replies shall be submitted on paper, i.e. by post or by hand, at the address below. If an interested party

⁽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).

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

Commission address for correspondence:

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

Fax +32 22985353

E-mail: TRADE-R542-PET-A@ec.europa.eu
(to be used by exporters, related importers, associations and representatives of India, Indonesia, Malaysia, Taiwan and Thailand)

TRADE-R542-PET-B@ec.europa.eu
(to be used by Union producers, unrelated importers, users, consumers, associations in the Union)

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

organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

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

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, inter alia, to the likelihood of continuation or recurrence of dumping and recurrence of injury, and Union interest.

For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of the Directorate-General for Trade (http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm).

8. 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*.

9. 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 interested party 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 pursuant to 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.

10. 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 ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX A

<input type="checkbox"/>	Limited version ⁽¹⁾
<input type="checkbox"/>	Version for inspection by interested parties
(tick the appropriate box)	

EXPIRY REVIEW INVESTIGATION OF THE ANTI-DUMPING MEASURES CONCERNING IMPORTS OF CERTAIN POLYETHYLENE TEREPHTHALATE ORIGINATING IN INDIA, INDONESIA, MALAYSIA, TAIWAN AND THAILAND

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN INDIA, INDONESIA, MALAYSIA, TAIWAN AND THAILAND

This form is designed to assist exporting producers in India, Indonesia, Malaysia, Taiwan and Thailand responding to the sampling information requested in point 5.1.1 of the notice of initiation.

Both the 'Limited version' and the 'Version for inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND COMMUNICATION

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the turnover in the accounting currency of the company during the period from 1 January 2011 to 31 December 2011 for sales (export sales to the Union for each of the 27 Member States ⁽²⁾ applicable separately and in total and domestic sales) of certain polyethylene terephthalate as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume and the currency used.

	Volume (tonnes)		Value in accounting currency
The unit of measurement in this table is tonnes State the currency used in this table			
Export sales to the Union, for each of the 27 Member States separately and in total, of the product under review, manufactured by your company	Total		
	Name each Member State ⁽³⁾		
Domestic sales of the product under review, manufactured by your company			

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ 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, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

⁽³⁾ Add additional rows where necessary.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽¹⁾

Please provide details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include, but are not limited to, purchasing the product under review or producing it under subcontracting arrangements, as well as processing or trading the product under review etc.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

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. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to have not 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 company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ 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.

ANNEX B

<input type="checkbox"/>	Limited version ⁽¹⁾
<input type="checkbox"/>	Version for inspection by interested parties
(tick the appropriate box)	

EXPIRY REVIEW INVESTIGATION OF THE ANTI-DUMPING MEASURES CONCERNING IMPORTS OF CERTAIN POLYETHYLENE TEREPHTHALATE ORIGINATING IN INDIA, INDONESIA, MALAYSIA, TAIWAN AND THAILAND

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the sampling information requested in point 5.1.2 of the notice of initiation.

Both the 'Limited version' and the 'Version for inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND COMMUNICATION

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, and the turnover and weight or volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from India, Indonesia, Malaysia, Taiwan and Thailand during the period from 1 January 2011 to 31 December 2011, of certain polyethylene terephthalate as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume used.

	Volume (tonnes)	Value in euros (EUR)
The unit of measurement used in this table is tonnes		
Total turnover of your company in euros (EUR)		
Imports of the product under review into the Union		
Resales on the Union market after importation from India, Indonesia, Malaysia, Taiwan and Thailand of the product under review		

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document 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).

⁽²⁾ 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, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and United Kingdom.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽¹⁾

Please provide details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under subcontracting arrangements, as well as processing or trading the product under review etc.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

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. 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 company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ 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.

Notice of initiation of an expiry review of the countervailing measures applicable to imports of certain polyethylene terephthalate originating in India

(2012/C 55/05)

Following the publication of a notice of impending expiry ⁽¹⁾ of the countervailing measures in force on imports of certain polyethylene terephthalate originating in India (‘the country concerned’), the European Commission (‘the Commission’) has received a request for review pursuant to Article 18 of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽²⁾ (‘the basic Regulation’).

1. Request for review

The request was lodged on 25 November 2011 by the Polyethylene Terephthalate Committee of Plastics Europe (‘the applicant’) on behalf of Union producers representing a major proportion, in this case more than 50 %, of the Union production of certain polyethylene terephthalate.

2. Product under review

The product under review is polyethylene terephthalate having a viscosity number of 78 ml/g or higher, according to the ISO standard 1628-5, currently falling within CN code 3907 60 20 and originating in India (‘the product under review’).

3. Existing measures

The measures currently in force are a definitive countervailing duty imposed by Council Regulation (EC) No 193/2007 ⁽³⁾.

4. Grounds for the expiry review

The applicant has provided sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of subsidisation and injury.

First, the applicant alleges that the producers of the product under review in India have benefited and will continue to benefit from a number of subsidies granted by the Government of India. These alleged subsidies consist of benefits for industries located in export processing zones/export oriented units; the advance authorisation scheme; the duty entitlement passbook scheme; the export promotion capital goods scheme; the export credit scheme; the focus market scheme; the focus product scheme; the capital investment incentive scheme of the Government of Gujarat; the Gujarat sales tax incentive scheme; the Gujarat electricity duty exemption scheme and the West Bengal incentive scheme. The total subsidy is estimated to be significant.

The applicant alleges that the above schemes are subsidies since they involve a financial contribution from the government of India or other regional governments and confer a benefit to the recipients, i.e. to exporting producers of certain polyethylene terephthalate. They are alleged to be contingent upon export performance and therefore specific and countervailable or to be otherwise specific and countervailable.

In addition, the applicant has provided evidence that the imports of the product under review from India have increased overall in absolute terms and in terms of market share.

Second, the request is based on the grounds that the expiry of the measures would be likely to result in the recurrence of injury to the Union industry due to the continuation of subsidised imports of the product under review from India. The *prima facie* evidence provided by the applicant shows that the volumes and the prices of the imported product under review are likely to have, among other consequences, a negative impact on level of prices charged by the Union industry, resulting in substantial adverse effects on the overall performance of the Union industry.

Finally, the applicant alleges that the removal of injury has been mainly due to the existence of the measures and that, should measures be allowed to lapse, any continuation of substantial subsidised imports from the country concerned would likely lead to recurrence of injury to 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 18 of the basic Regulation.

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

5.1. Procedure for the determination of likelihood of a continuation of subsidisation

5.1.1. Investigating exporting producers

Exporting producers ⁽⁴⁾ of the product under review from the country concerned are invited to participate in this review investigation.

⁽¹⁾ OJ C 116, 14.4.2011, p. 10.

⁽²⁾ OJ L 188, 18.7.2009, p. 93.

⁽³⁾ OJ L 59, 27.2.2007, p. 34.

⁽⁴⁾ 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.

In view of the potentially large number of exporting producers in India 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 27 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 information on their company(ies) as requested in Annex A to this notice.

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 India and may contact any known association of exporting producers.

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 of the product under review 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.

In order to obtain the information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers and to the authorities of the country concerned.

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 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 review, the cost of production, the sales of the product under review on the domestic market of the country concerned and the sales of the product under review 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').

5.1.2. Investigating unrelated importers ⁽¹⁾ ⁽²⁾

Unrelated importers of the product under review from India to the Union are invited to participate in this review investigation.

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 27 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 must 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 information on their company(ies) requested in Annex B to this notice.

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.

⁽¹⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. 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.

⁽²⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under review 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 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 review and on the sales of the product under review.

5.2. Procedure for the determination of likelihood of recurrence of injury and investigating Union producers

In order to establish whether there is a likelihood of recurrence of injury to the Union industry, Union producers of the product under review are invited to participate in this review investigation.

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 27 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 must 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 review 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 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 review, the cost of production and the sales of the product under review.

5.3. Procedure for the assessment of Union interest

Should the continuation of subsidisation and the recurrence of injury be confirmed, a decision will be reached, pursuant to Article 31 of the basic Regulation, as to whether the maintenance of the anti-subsidy measures would not 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 review.

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 31 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 must 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 must 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' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 29(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 questionnaire replies, shall be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 28(2) of the basic Regulation. 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 22985353

E-mail: TRADE-R550-PET-A@ec.europa.eu

(to be used by exporting producers, related importers, associations and representatives of India: both central and regional government)

TRADE-R550-PET-B@ec.europa.eu

(to be used by Union producers, unrelated importers, users, consumers, associations in the Union)

6. **Non-cooperation**

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

⁽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).

significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 28 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 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

7. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer of Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

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

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among others, to the likelihood of continuance of subsidisation and of recurrence of injury and Union interest.

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

8. **Possibility to request a review under Article 19 of the basic Regulation**

As this expiry review is initiated in accordance with the provisions of Article 18 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 22(3) of the basic Regulation.

If any interested party 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 pursuant to Article 19 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.

9. Schedule of the investigation

The investigation will be concluded, according to Article 22(1) of the basic Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.

10. Processing of personal data

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⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX A

<input type="checkbox"/>	Limited version ⁽¹⁾
<input type="checkbox"/>	Version for inspection by interested parties
(tick the appropriate box)	

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF CERTAIN POLYETHYLENE TEREPHTHALATE ORIGINATING IN INDIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN INDIA

This form is designed to assist exporting producers in the India in responding to the sampling information requested in point 5.1.1 of the notice of initiation.

Both the 'Limited version' and the 'Version for inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND COMMUNICATION

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the turnover in the accounting currency of the company during the period from 1 January 2011 to 31 December 2011 for sales (export sales to the Union for each of the 27 Member States ⁽²⁾ applicable separately and in total and domestic sales) of certain polyethylene terephthalate as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume and the currency used.

	Volume (tonnes)	Value in accounting currency
The unit of measurement used in the table is tonnes State the currency used in this table		
Export sales to the Union, for each of the 27 Member States separately and in total, of the product under review, manufactured by your company	Total:	
	Name each Member State ⁽³⁾ :	
Domestic sales of the product under review, manufactured by your company		

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document 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).

⁽²⁾ 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, Netherlands, Austria, Poland, Portugal, Romania, Slovakia, Slovenia, Finland, Sweden, and United Kingdom.

⁽³⁾ Add additional rows where necessary.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽¹⁾

Please provide details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under subcontracting arrangements, as well as processing or trading product under review etc.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

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. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to have not 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 company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ 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.

ANNEX B

<input type="checkbox"/>	Limited version ⁽¹⁾
<input type="checkbox"/>	Version for inspection by interested parties
(tick the appropriate box)	

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF CERTAIN POLYETHYLENE TEREPHTHALATE ORIGINATING IN INDIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the sampling information requested in point 5.1.2 of the notice of initiation.

Both the 'Limited version' and the 'Version for inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND COMMUNICATION

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, and the turnover and weight or volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from the India, during the period from 1 January 2011 to 31 December 2011, of certain polyethylene terephthalate as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume used.

	Volume (tonnes)	Value in euros (EUR)
The unit of measurement used in this table is tonnes		
Total turnover of your company in euros (EUR)		
Imports of the product under review into the Union		
Resales on the Union market after importation from India of the product under review		

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document 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).

⁽²⁾ 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, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and United Kingdom.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽¹⁾

Please provide details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under subcontracting arrangements, as well as processing or trading the product under review etc.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

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. 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 company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ 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.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.6494 — Total/OAO Novatek/OAO Yamal LNG)

Candidate case for simplified procedure

(Text with EEA relevance)

(2012/C 55/06)

1. On 15 February 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Total E&P Yamal ('Total E&P Yamal', France), ultimately controlled by Total SA, and OAO Novatek ('Novatek', Russia) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking OAO Yamal LNG (Russia) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Total: natural gas and oil production, refining and marketing of oil products, petrochemicals and specialty chemicals,
- for Novatek: exploration, production, processing and marketing of natural gas and liquid hydrocarbons.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6494 — Total/OAO Novatek/OAO Yamal LNG, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

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

Prior notification of a concentration
(Case COMP/M.6487 — Mitsui/Sanyo/Musco/Navyug Special Steel)
Candidate case for simplified procedure
(Text with EEA relevance)
(2012/C 55/07)

1. On 15 February 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾ by which the undertakings Mitsui & Co., Ltd ('Mitsui', Japan), Mahindra Ugine Steel Company Limited ('Musco', India), ultimately controlled by Mahindra & Mahindra Limited ('Mahindra Group', India) and Sanyo Special Steel Co., Ltd ('Sanyo', Japan), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Navyug Special Steel Private Limited ('Navyug', India), by way of purchase of shares. Currently Navyug is a wholly owned subsidiary of Musco.

2. The business activities of the undertakings concerned are:

- for Mitsui: trading of metals, electronics, chemicals, energy-related commodities, motor vehicle and motorcycle parts and accessories,
- for Sanyo: manufacture and sale of special steel products,
- for Musco: manufacture and sale of steel products,
- for Navyug: will be active in the manufacture and sale of steel products.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6487 — Mitsui/Sanyo/Musco/Navyug Special Steel, to the following address:

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

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

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

OTHER ACTS

EUROPEAN COMMISSION

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

(2012/C 55/08)

This publication confers the right to object to the application pursuant to Article 7 of Council Regulation (EC) No 510/2006 ⁽¹⁾. Statements of objection must reach the Commission within six months of the date of this publication.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

‘ABENSBERGER SPARGEL/ABENSBERGER QUALITÄTSSPARGEL’

EC No: DE-PGI-0005-0852-26.01.2011

PGI (X) PDO ()

1. **Name:**

‘Abensberger Spargel/Abensberger Qualitätsspargel’

2. **Member State or third country:**

Germany

3. **Description of the agricultural product or foodstuff:**3.1. *Type of product:*

Class 1.6 — Fruit, vegetables and cereals, fresh or processed

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

Asparagus (*Asparagus officinalis*) is a member of the *Asparagaceae* family. The edible stalks of asparagus are the shoots of a perennial shrub which are put up for sale peeled or unpeeled. ‘Abensberger Spargel’ is produced according to the rules of good farming practice.

White Abensberg asparagus may vary in colour from white to violet and may not exceed 22 cm in length, while green Abensberg asparagus may not exceed 27 cm in length.

With the exception of what is sold by the producer directly to the consumer, Abensberg asparagus is prepared in accordance with UNECE Standard FFV04 (asparagus). However, this standard also applies to white and violet asparagus up to a minimum diameter of 5 mm. In addition, broken asparagus shoots may also be marketed under the ‘broken asparagus’ category.

The taste of ‘Abensberger Spargel’ is characterised by the typically strong aroma of the asparagus. Harvesting once or twice a day and careful and appropriate handling after harvesting guarantee that ‘Abensberger Spargel’ will reach consumers fresh regardless of the marketing channel.

(1) OJ L 93, 31.3.2006, p. 12.

3.3. *Raw materials (for processed products only):*

—

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

—

3.5. *Specific steps in production that must take place in the identified geographical area:*

Production of 'Abensberger Spargel', from growing to picking, must take place in the defined geographical area.

The asparagus produced in the Abensberg area is mainly the cultivated form of white asparagus, which is grown underground in large ridges. Due to the lack of sunlight, the shoots growing upwards in the ridges fail to turn green, and therefore white or reddish-white shoots with white to violet tips are produced, normally to a length of 22 cm.

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

Freshlyharvested asparagus must first be washed off and then cleaned with fresh water (from the tap).

After harvesting and cleaning, the cut asparagus must be rapidly chilled to preserve its quality. 'Rapid chilling' means cooling the asparagus with ice-cold water, as quickly as possible after harvesting, to a temperature of 1-2 °C, to preserve its freshness, tenderness and ivory-like colour. This also minimises the growth of bacteria and fungi which reduce the quality of the asparagus.

The stalks are then cut to length and sorted expertly. The shoot is cut cleanly at the bottom end, at right angles to the axis. This minimises the cut surface, thus also minimising water loss and the entry of bacteria. Should the shoot be hollow or woody at the bottom end, it is expertly shortened to less than 22 cm, or 27 cm in the case of green asparagus, so as to guarantee its high quality.

They must then be stored at 1-2 °C in a place with a high level of humidity (99 %), but must not be stored in water. The cold chain must not be interrupted by the producer. Packaging, refrigeration and any sales premises must comply with health requirements.

The above measures, which go far beyond the legal minimum requirements, contribute to the product's high level of hygiene and quality.

3.7. *Specific rules concerning labelling:*

'Abensberger Qualitätsspargel' must, when put up for sale, also be marked with the following logo:



4. Concise definition of the geographical area:

The geographical area covers, in particular, the 'Sandgürtel' (sand belt) between Siegenburg, Neustadt an der Donau, Abensberg and Langquaid, and is situated exclusively within the Kelheim rural district.

5. Link with the geographical area:

5.1. Specificity of the geographical area:

A description by Maximilian Georg Kroiss of the economic activities of the Carmelite order states that asparagus was probably grown in the Abensberg region as early as 1730. The same article also contends that another historian, Angrüner, is wrong to assume that the first asparagus was not grown in Abensberg until around 1900. Kroiss also underlines the fact that even today Abensberg is famous for its asparagus.

Due to the optimum soil and climate the Abensberg region, i.e. the 'Sandgürtel' zwischen Siegenburg, Neustadt an der Donau, Abensberg and Langquaid, is an excellent asparagus-growing area. For example, the area's average annual temperature of 9,8 °C and average rainfall of 703 mm represent good climatic conditions for growing asparagus. According to the Bavarian soil atlas, the soils are mainly sandy. At the same time, they contain more minerals and silt than other well-known German asparagus-growing areas. This means that 'Abensberger Spargel' has a particularly strong taste.

Cultivation of 'Abensberger Spargel' is limited mainly to the following soil types:

- Sand (S)
- Slightly loamy sand (Sl)
- Loamy sand (lS)
- Very loamy sand (SL).

To guarantee the special characteristics of 'Abensberger Spargel' as regards taste and freshness due to the soils, it is cultivated and processed as described above.

There are around 70 asparagus producers on a cultivated area of 210 hectares. The Abensberg region is one of Bavaria's main asparagus producing areas. In addition, the local growers have constantly developed and improved their production techniques.

5.2. Specificity of the product:

The quality of 'Abensberger Spargel' is attributable to the climatic conditions described and the types of soil in the defined geographical area.

'Abensberger Spargel' is very highly regarded by consumers and is renowned for its flavour by connoisseurs. It is a traditional Bavarian speciality and has therefore been included in the internet database maintained by the Bavarian agriculture ministry (<http://www.food-from-bavaria.de>).

Alongside the name 'Abensberger Spargel', this product has also been marketed for the past 10 years under the collective trademark 'Abensberger Qualitäts Spargel'. The rules for awarding this collective trade mark specify a high product quality.

That high quality means that consumers are prepared to pay a premium; indeed, the price of 'Abensberger Spargel' is even higher than that of the well-known 'Schrobenhausener Spargel'.

'Abensberger Spargel' is also renowned because there is a cookbook specifically written for it, and because, each year, the 'Asparagus Queen' is chosen to represent this region's speciality. The year 2007 marked the 75th anniversary of asparagus growing in Abensberg.

The Abensberger Qualitätsspargel Producers' Association (Erzeugergemeinschaft Abensberger Qualitätsspargel e.V.) recommends the varieties which particularly meet the agronomic (field trials) and taste requirements based on sensory testing in relation to the specification.

It lists these varieties on its homepage (<http://www.qualitaetsspargel.de/>) and updates the data annually.

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

'Abensberger Spargel' owes its specific qualities not only to the climate and special soils in the region but also to the long tradition of asparagus-growing in the Abensberg production area and the expertise of the farmers who have been growing it for generations. The light, sandy soils, which are at the same time richer in minerals and silt than other growing areas, as well as the daily harvesting, mean that 'Abensberger Spargel' has particularly tender shoots with a spicier, nuttier taste than asparagus grown elsewhere.

Reputation:

Thanks to the Abensberger Qualitätsspargel Producers' Association's strict rules on how their asparagus must be grown and processed (<http://www.qualitaetsspargel.de/index.php/erzeuger/qualitaetsordnung>), some of which go far beyond the legal minimum, for decades now only the best-quality 'Abensberger Spargel' has been placed on the market. This has led to consumers' high regard for this product, and that high regard is reflected in the official price data. For example, 'Abensberger Spargel' can command a higher price on the market than asparagus from other areas.

The asparagus sector today covers some 210 hectares of land and is now one of the principal economic factors in the Abensberg region.

The growers living in the geographical area have been passing on their knowledge and experience in asparagus-growing from one generation to another for over 70 years. This guarantees the best possible quality, the basis for successful marketing.

The asparagus season in the region is a 'fifth season', a time of celebration, attracting day trippers and tourists from far and near. At this time of the year, both domestic kitchens and restaurants focus on asparagus. Restaurants seek to attract both locals and the visitors who come to Abensberg in droves for the asparagus season by coming up with ever more creative recipes. During the season, markets achieve most of their turnover from asparagus products.

An 'Abensberg Asparagus Queen' has been crowned every year since 1996. She conducts many interviews with the press, radio and TV and carries the good name of 'Abensberger Spargel' far beyond the region itself.

Reference to publication of the specification:

(Article 5(7) of Regulation (EC) No 510/2006)

Markenblatt Vol. 19 of 14 May 2010, Part 7a-aa, p. 8178

<http://register.dpma.de/DPMAREgister/geo/detail.pdfdownload/13351>

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