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I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN COMMISSION

COMMISSION OPINION

of 7 March 2012

relating to the plan for the disposal of radioactive waste arising from the SPIRAL-2 facility, located in France, in accordance with Article 37 of the Euratom Treaty

(Only the French text is authentic)

(2012/C 71/01)

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 15 September 2011, the European Commission received from the French Government, in accordance with Article 37 of the Euratom Treaty, general data relating to the plan for the disposal of radioactive waste arising from the SPIRAL-2 facility in France.

On the basis of these data, and following consultation with the group of experts, the Commission has drawn up the following opinion.

1. The distance between the facility and the nearest point of another Member State, in this case the United Kingdom, is 170 km.
2. Under normal operating conditions, discharges of liquid and gaseous radioactive effluents will not cause an exposure of the population of another Member State that is significant from a point of view of health.
3. Solid radioactive waste is temporarily stored on site before being transferred to an authorised treatment or disposal facility in France.
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 doses likely to be received by the population in another Member State would not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form from the SPIRAL-2 facility 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, 7 March 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.6507 — Anglo American/De Beers)****(Text with EEA relevance)**

(2012/C 71/02)

On 6 March 2012, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32012M6507. EUR-Lex is the on-line access to the European law.

Authorisation for State aid pursuant to Articles 107 and 108 of the TFEU

Cases where the Commission raises no objections

(Text with EEA relevance)

(2012/C 71/03)

Date of adoption of the decision	12.10.2011
Reference number of State Aid	SA.33023 (11/NN)
Member State	Ireland
Region	—
Title (and/or name of the beneficiary)	Restructuring of Quinn Insurance Ltd through the contribution of the Insurance Compensation Fund
Legal basis	Insurance Act 1964
Type of measure	Individual aid
Objective	Aid to remedy serious disturbances in the economy
Form of aid	Direct grant
Budget	Overall budget: EUR 738 million
Intensity	—
Duration (period)	—
Economic sectors	Financial intermediation
Name and address of the granting authority	Insurance Compensation Fund
Other information	—

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

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

Date of adoption of the decision	26.1.2012
Reference number of State Aid	SA.33314 (11/N)
Member State	Spain
Region	Cataluña
Title (and/or name of the beneficiary)	Subvenciones para la producción de largometrajes cinematográficos que tengan méritos artísticos y culturales
Legal basis	Resolución CLT/876/2011, de 4 de abril, de convocatoria para la concesión de subvenciones, en régimen de concurrencia competitiva, para la producción de largometrajes cinematográficos que tengan méritos artísticos y culturales.

Type of measure	Aid scheme
Objective	Culture
Form of aid	Direct grant
Budget	Annual budget: EUR 1 million Overall budget: EUR 6 million
Intensity	20 %
Duration (period)	13.4.2011-31.12.2016
Economic sectors	Media
Name and address of the granting authority	ICIC Rambla Santa Mónica, 8 08002 Barcelona ESPAÑA
Other information	—

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

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

Date of adoption of the decision	20.12.2011
Reference number of State Aid	SA.33422 (11/N)
Member State	Poland
Region	—
Title (and/or name of the beneficiary)	Przedłużenie programu gwarancji kontraktów eksportowych
Legal basis	1. Ustawa z dnia 7 lipca 1994 r. o gwarantowanych przez Skarb Państwa ubezpieczeniach eksportowych 2. Uchwała nr 111/2006 Komitetu Polityki Ubezpieczeń Eksportowych z dnia 20 grudnia 2006 r. w sprawie szczegółowych zasad działalności Korporacji Ubezpieczeń Kredytów Eksportowych Spółka Akcyjna w zakresie gwarantowanych przez Skarb Państwa gwarancji ubezpieczeniowych dotyczących kontraktu eksportowego oraz zasad ustalania wynagrodzeń z tytułu udzielonych gwarancji ubezpieczeniowych
Type of measure	Aid scheme
Objective	Export and internationalisation
Form of aid	Guarantee
Budget	To be determined in the yearly Budget Act
Intensity	—
Duration (period)	1.1.2012-31.12.2016
Economic sectors	All sectors

Name and address of the granting authority	KUKE SA ul. Sienna 39 00-121 Warszawa POLSKA/POLAND
Other information	—

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

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

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COUNCIL

Notice for the attention of the persons to whom restrictive measures provided for in Council Decision 2010/656/CFSP and in Council Regulation (EC) No 560/2005 concerning restrictive measures against certain persons and entities in Côte d'Ivoire apply

(2012/C 71/04)

THE COUNCIL OF THE EUROPEAN UNION,

The following information is brought to the attention of the persons who appear in Annex II to Council Decision 2010/656/CFSP ⁽¹⁾, as implemented by Council Implementing Decision 2012/144/CFSP ⁽²⁾, and in Annex IA to Council Regulation (EC) No 560/2005 ⁽³⁾, as implemented by Council Implementing Regulation (EU) No 193/2012 ⁽⁴⁾ imposing certain restrictive measures directed against certain persons and entities in Côte d'Ivoire.

The Council of the European Union has determined that the persons that appear in the abovementioned Annexes should continue to be included in the list of persons subject to restrictive measures provided for in Decision 2010/656/CFSP and in Regulation (EC) No 560/2005.

The attention of the persons concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated on the websites in Annex II to Regulation (EC) No 560/2005, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 3 of the Regulation).

The persons concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the abovementioned lists should be reconsidered, to the following address:

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

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

⁽¹⁾ OJ L 285, 30.10.2010, p. 28.

⁽²⁾ OJ L 71, 9.3.2012, p. 50.

⁽³⁾ OJ L 95, 14.4.2005, p. 1.

⁽⁴⁾ OJ L 71, 9.3.2012, p. 5.

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

8 March 2012

(2012/C 71/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3242	AUD	Australian dollar	1,2441
JPY	Japanese yen	108,18	CAD	Canadian dollar	1,3178
DKK	Danish krone	7,4344	HKD	Hong Kong dollar	10,2720
GBP	Pound sterling	0,83865	NZD	New Zealand dollar	1,6045
SEK	Swedish krona	8,8894	SGD	Singapore dollar	1,6593
CHF	Swiss franc	1,2050	KRW	South Korean won	1 477,43
ISK	Iceland króna		ZAR	South African rand	9,9663
NOK	Norwegian krone	7,4210	CNY	Chinese yuan renminbi	8,3664
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,5575
CZK	Czech koruna	24,767	IDR	Indonesian rupiah	12 097,94
HUF	Hungarian forint	292,90	MYR	Malaysian ringgit	3,9772
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	56,430
LVL	Latvian lats	0,6977	RUB	Russian rouble	39,3346
PLN	Polish zloty	4,1135	THB	Thai baht	40,441
RON	Romanian leu	4,3558	BRL	Brazilian real	2,3298
TRY	Turkish lira	2,3514	MXN	Mexican peso	16,9511
			INR	Indian rupee	66,7463

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

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN CENTRE FOR THE DEVELOPMENT OF
VOCATIONAL TRAINING (CEDEFOP)**Open call for proposals — GP/RPA/ReferNet-FPA/001/12****ReferNet — Cedefop's European Network for Vocational Education and Training (VET)**

(2012/C 71/06)

1. Objectives and description

With the objective of establishing a European network for VET (ReferNet), this call aims at selecting one applicant from Ireland and Spain, respectively (see point 3 below, eligibility criteria), with which Cedefop will conclude a four-year framework partnership agreement and at concluding with each successful applicant a specific grant agreement for an eight-month work plan to be carried out in 2012.

Founded in 1975 and based in Greece since 1995, the European Centre for the Development of Vocational Training (Cedefop) is an agency of the European Union (EU). Acknowledged as an authoritative source of information and expertise on VET, skills and competences, its mission is to support European vocational education and training (VET) policy development and contribute to its implementation.

Refernet is Cedefop's European network for VET. The mission devoted to ReferNet is to support Cedefop by reporting on national VET systems and policy developments and by raising the visibility of VET and Cedefop's products. It comprises 29 members known as ReferNet national partners from EU Member States, Iceland and Norway. ReferNet national partners are key institutions involved in VET in the country they represent.

Framework partnership agreements are implemented through specific grant agreements. Therefore, applicants shall not only submit a proposal for the four-year framework partnership (which, if successful, will lead to the signature of a framework partnership agreement for the years 2012 to 2015) but also the grant application for the 2012 action (which may lead to the signature of a specific grant agreement for eight months in the year 2012). The applicant must demonstrate its capacity to carry out all the activities foreseen over the four-year period and ensure adequate co-financing of the implementation of the work plan.

2. Budget and project duration

The estimated budget available for the four-year duration of the framework partnership agreements amounts to EUR 4 000 000, depending on the annual decisions of the Budgetary Authority.

The total available budget for the 2012 annual work plan (project duration: 12 months) is EUR 955 000 for the 27 Member States, Iceland and Norway.

The grant varies according to the country population and is awarded to carry out an annual work plan. The total available budget for the 2012 work plan will be distributed on the basis of three country groups based on country population.

- Country group 1: Cyprus, Estonia, Latvia, Lithuania, Luxembourg, Malta, Slovenia and Iceland: maximum grant amount: EUR 23 615.
- Country group 2: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, Greece, Hungary, Ireland, the Netherlands, Norway, Portugal, Romania, Slovakia, and Sweden: maximum grant amount: EUR 33 625.
- Country group 3: Germany, Spain, France, Italy, Poland and the United Kingdom: maximum grant amount: EUR 43 620.

Since the annual action for ReferNet partner in Ireland and Spain is to last less than 12 months in 2012, the relevant grant as awarded will be lower than the above maximum per country during that year.

The Union grant is a financial contribution to the beneficiary's (and/or co-beneficiaries') costs which must be supplemented by own financial contribution and/or local, regional, national and/or private contributions. The total Union contribution shall not exceed 70 % of the eligible costs.

Cedefop reserves the right not to award the total budget available.

3. Eligibility criteria

To be eligible, applicants should meet the following requirements:

- (a) be a public or a private organisation, with a legal status and legal personality (natural persons, i.e. individuals, are not eligible).
- (b) be established in one of the following countries:
 - Ireland,
 - Spain.

4. Deadline

Applications for the framework partnership agreement and the 2012 work plan must be submitted **at the latest on 16 April 2012**.

The 2012 work plan following the award of the specific grant agreement 2012 will start in May 2012 and shall last eight months.

5. Further information

The detailed specifications of the call for proposals, the application form and its annexes will be available as from 13 March 2012 on Cedefop's website at the following address:

<http://www.cedefop.europa.eu/EN/working-with-us/public-procurements/calls-for-proposals.aspx>

Applications must comply with the requirements set out in the full text of the call and be submitted using the official forms provided.

The evaluation of proposals will be based on the principles of transparency and equal treatment.

All submitted applications will be evaluated by a committee of experts against the eligibility, exclusion, selection and award criteria defined in the full text version of the call.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

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

(2012/C 71/07)

The European Commission (the Commission) has decided on its own initiative to initiate an interim review investigation of the anti-dumping measures applicable to imports of bicycles originating in the People's Republic of China pursuant to Articles 11(3) and 13(4) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation).

1. Product

The product subject to this review investigation is bicycles and other cycles (including delivery tricycles but excluding unicycles), not motorised (the product under review). The product previously found to have been dumped ⁽²⁾ is the product under review originating in the People's Republic of China (the country concerned), currently falling within CN codes 8712 00 30 and ex 8712 00 70.

2. Existing measures

By Regulation (EEC) No 2474/93 ⁽³⁾ the Council imposed a definitive anti-dumping duty of 30,6 % on imports of bicycles originating in the People's Republic of China.

Following an anti-circumvention investigation in accordance with Article 13 of the basic Regulation, this duty was extended by Council Regulation (EC) No 71/97 ⁽⁴⁾ to imports of certain bicycle parts originating in the People's Republic of China. In addition, it was decided that an exemption scheme should be created on the basis of Article 13(2) of the basic Regulation (the exemption scheme). The legal framework for the operation of the exemption scheme was provided for in Commission Regulation (EC) No 88/97 ⁽⁵⁾. In order to receive an exemption from the extended duty, bicycle producers in the

Union have to respect a ratio of less than 60 % of Chinese bicycle parts in their operation or the addition of more than 25 % value to all parts brought into the operation. At present more than 250 companies benefit from an exemption.

Following an interim review investigation pursuant to Article 11(3) of the basic Regulation, the Council, by Regulation (EC) No 1095/2005 ⁽⁶⁾, decided to increase the anti-dumping duty in force to 48,5 % (the amending interim review).

Following a review of the extension of the anti-dumping duty imposed on imports of bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China pursuant to Article 11(3) and Article 13(4) of the basic Regulation, the Council, by Regulation (EC) No 171/2008 ⁽⁷⁾, decided to maintain the anti-circumvention measures.

Following an expiry review investigation pursuant to Article 11(2) of the basic Regulation, the Council, by Council Implementing Regulation (EU) No 990/2011 ⁽⁸⁾, decided that the above mentioned measures should be maintained.

3. Grounds for the review

The Commission has at its disposal sufficient prima facie evidence that, as far as dumping and injury are concerned, the circumstances on the basis of which the existing measures were imposed might have changed and that these changes may be of a lasting nature.

In particular, the information at the disposal of the Commission indicates that the export quota system that applied to bicycle producers in the People's Republic of China and that hindered the exporting producers in being granted market economy treatment in the amending interim review, has been abolished in January 2011.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

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

⁽³⁾ OJ L 228, 9.9.1993, p. 1.

⁽⁴⁾ OJ L 16, 18.1.1997, p. 55.

⁽⁵⁾ OJ L 17, 21.1.1997, p. 17.

⁽⁶⁾ OJ L 183, 14.7.2005, p. 1.

⁽⁷⁾ OJ L 55, 28.2.2008, p. 1.

⁽⁸⁾ OJ L 261, 6.10.2011, p. 2.

Furthermore, changes to the structure of the Union industry have taken place. In particular, several Union producers switched from the complete cycle of production to (partial) assembly operations using imported parts.

Moreover, due to the EU enlargements of 2004 and 2007, a significant number of producers joined the Union bicycle industry. In addition several producers which had been part of the EU industry before the two enlargement rounds moved their production facilities or set up new facilities in the new Member States. As a result, the cost level of the Union industry might have changed.

Finally, the present injury elimination level was calculated on the basis of bicycles made out of steel whereas it appears that currently the majority of bicycles are made of aluminium alloys. All these developments appear to be of a lasting nature and therefore substantiate the need to reassess the injury findings.

Moreover, the number of companies benefiting from the exemption scheme is rapidly growing, without the scheme having been adapted since its introduction in 1997. In addition, the monitoring system of the imports of parts exempted from the anti-dumping measures has become highly complex and burdensome, which might endanger its effectiveness.

Based on the above, it appears that the continued imposition of measures at the existing level may no longer be appropriate to offset the effects of injurious dumping.

4. Procedure

Having determined, after consulting the Advisory Committee, that there is sufficient evidence to justify the initiation of an interim review investigation, the Commission hereby initiates a review investigation in accordance with Articles 11(3) and 13(4) of the basic Regulation.

The review investigation will assess whether the continued imposition of the measure is no longer necessary to offset dumping and whether the injury would be unlikely to continue or recur if the measure were removed or varied or whether the existing measure is not, or is no longer, sufficient to counteract the dumping which is causing injury.

The review investigation will thus determine whether there is a need for the continuation, removal or amendment of the existing measures.

Furthermore, the review investigation will also assess the exemption scheme and its functioning and will determine whether there is a need for any change thereto.

4.1. Procedure regarding dumping⁽⁹⁾

Exporting producers⁽¹⁰⁾ of the product under review from the country concerned, including those that did not cooperate in

⁽⁹⁾ See footnote 2.

⁽¹⁰⁾ An exporting producer is any company in the country concerned which produces and exports the product under review 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.

the investigations which led to the amendment and maintaining of the measures in force, are invited to participate in the Commission review investigation.

4.1.1. Investigating exporting producers

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

(a) Sampling

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

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the information on their company or companies 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 the country concerned 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 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). Without prejudice to paragraph (b) below, the anti-dumping duty that may be applied to imports from the non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample ⁽¹¹⁾.

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

Non-sampled cooperating exporting producers may request, pursuant to Article 17(3) of the basic Regulation, that the Commission establish their individual dumping margins (individual dumping margin). The exporting producers wishing to claim an individual dumping margin must request a questionnaire and other applicable claim forms and return them duly completed within the deadlines specified in the following sentence and in Section 4.1.2.2 below. The completed questionnaire reply must be submitted within 37 days of the date of the notification of the sample selection, unless otherwise specified. It must be underlined that, in order for the Commission to be able to establish individual dumping margins for those exporting producers in the non-market economy country, it must be proven that they fulfil the criteria for being granted market economy treatment (MET) or at least individual treatment (IT) as specified in Section 4.1.2.2. below.

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

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

4.1.2.1. Selection of a market economy third country

Subject to the provisions of Section 4.1.2.2 below, in accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the country concerned normal value shall be determined on the basis of the price or constructed value in

⁽¹¹⁾ Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation shall be disregarded.

a market economy third country. For this purpose, the Commission shall select an appropriate market economy third country. The Commission has provisionally chosen Mexico, which was also chosen in the investigations which led to the amendment and maintaining of the measures in force on imports of the product under review from the country concerned. Interested parties are hereby invited to comment on the appropriateness of this choice within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

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

In accordance with Article 2(7)(b) of the basic Regulation, individual exporting producers in the country concerned, which consider that market economy conditions prevail for them in respect of the manufacture and sale of the product under review, may submit a properly substantiated claim to this effect (MET claim). Market economy treatment (MET) will be granted if the assessment of the MET claim shows that the criteria laid down in Article 2(7)(c) of the basic Regulation ⁽¹²⁾ are fulfilled. The dumping margin of the exporting producers granted MET will be calculated, to the extent possible and without prejudice to the use of facts available pursuant to Article 18 of the basic Regulation, by using their own normal value and export prices in accordance with Article 2(7)(b) of the basic Regulation.

Individual exporting producers in the country concerned may also, or as an alternative, claim individual treatment (IT). To be granted IT these exporting producers must provide evidence that they fulfil the criteria set out in Article 9(5) of the basic Regulation ⁽¹³⁾. The dumping margin of the exporting producers granted IT will be calculated on the basis of their own export prices. The normal value for exporting producers granted IT will be based on the values established for the market economy third country selected as outlined above.

Additional important information can be found in Section 9 of this notice.

⁽¹²⁾ The exporting producers have to demonstrate in particular that: (i) business decisions and costs are made in response to market conditions and without significant State interference; (ii) firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes; (iii) there are no significant distortions carried over from the former non-market economy system; (iv) bankruptcy and property laws guarantee legal certainty and stability; and (v) exchange rate conversions are carried out at market rates.

⁽¹³⁾ The exporting producers have to demonstrate in particular that: (i) in the case of wholly or partly foreign owned firms or joint ventures, exporters are free to repatriate capital and profits; (ii) export prices and quantities and conditions and terms of sale are freely determined; (iii) the majority of the shares belong to private persons — State officials appearing on the Board of Directors or holding key management positions shall either be in a minority or it must be demonstrated that the company is nonetheless sufficiently independent from State interference; (iv) exchange rate conversions are carried out at the market rate; and (v) State interference is not such as to permit circumvention of measures if individual exporters are given different rates of duty.

(a) Market economy treatment (MET)

The Commission will send MET claim forms to all the exporting producers in the country concerned selected to be in the sample and to non-sampled cooperating exporting producers that wish to apply for an individual dumping margin, to any known association of exporting producers, as well as to the authorities of the country concerned.

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

(b) Individual treatment (IT)

To apply for IT, exporting producers in the country concerned selected to be in the sample and non-sampled cooperating exporting producers that wish to apply for an individual dumping margin must submit the MET claim form with the sections relevant for IT duly completed within 21 days of the date of the notification of sample selection, unless otherwise specified.

4.1.3. Investigating unrelated importers⁽¹⁴⁾ ⁽¹⁵⁾

Unrelated importers of the product under review from the country concerned to the Union, including those that did not cooperate in the investigations which led to the amendment and maintaining of the measures in force, are invited to participate in the Commission review investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the review 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.

⁽¹⁴⁾ 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.

⁽¹⁵⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

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 or companies 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 completed questionnaire will contain information on, inter alia, the structure of their company(ies), the activities of the company(ies) in relation to the product under review and on the sales of the product under review.

4.2. Procedure regarding injury⁽¹⁶⁾ and investigating Union producers

Union producers of the product under review, including those that did not cooperate in the investigations which led to the amendment and maintaining of the measures in force, are invited to participate in the Commission review investigation.

In view of the large number of Union producers involved in this proceeding and in order to complete the review investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers

⁽¹⁶⁾ Injury means material injury to the Union industry, or threat of material injury to the industry, or material retardation of the establishment of such an industry.

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.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all Union producers, 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 or companies requested in Annex C to this Notice.

In order to obtain the information it deems necessary for the selection of the sample of Union producers, the Commission may also contact any known associations of Union 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 Union producers 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 Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

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

4.3. Procedure for the assessment of Union interest

A decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining, amending or repealing the anti-dumping measures would be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the review 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.

4.4. Procedure as regards the exemption scheme

Without prejudice to the outcome of the current review, interested parties are hereby invited to comment on the current functioning and possible future model of the exemption scheme. Such comments should in particular relate to the operation and management of the exemption scheme in its current form. In this relation, the current review will focus in particular on challenges faced by the small and medium-sized enterprises.

Interested parties may provide the Commission with comments on the exemption scheme within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

4.5. 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*.

4.6. 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 review 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.

4.7. Instructions for making written submissions and sending completed questionnaires and correspondence

Interested parties are required to make all submissions and requests in electronic format (the non-confidential submissions via e-mail, the confidential ones on CD-R/DVD), and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. However, any powers of attorney, signed certifications, and any updates thereof, accompanying MET and IT claim forms or questionnaire replies shall be submitted on paper, i.e. by post or by hand, at the address below. If an interested party 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-R546-BICYCLES-A@ec.europa.eu
(to be used by exporters, related importers, associations and representatives of the People's Republic of China, producers in the market economy third country)

TRADE-R546-BICYCLES-B@ec.europa.eu
(to be used by Union producers, unrelated importers, users, consumers, associations in the Union)

5. 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.

6. 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 review investigation, the request must be submitted

within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

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

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

7. Schedule of the review investigation

The review 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*.

8. Processing of personal data

Any personal data collected in this review 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⁽¹⁷⁾.

9. Important information for exporting producers in the People's Republic of China: implications of the WTO Appellate Body Report EC — Anti-dumping measures on fasteners (WT/DS397) on the way in which the Commission will conduct this review investigation

The Commission encourages all exporting producers from the country concerned which is considered to be a non-market economy country in view of the provisions of Article 2(7) of the basic Regulation, to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, if they are interested in cooperating and obtaining an individual anti-dumping duty, even if they consider that they do not comply with the criteria for obtaining IT. The Commission draws their attention to the following⁽¹⁸⁾.

In EC — Certain Iron or Steel fasteners from China (WT/DS397), the WTO Appellate Body found, inter alia, that Article 9(5) of the basic Regulation is inconsistent with certain provisions of the WTO Anti-Dumping Agreement and with Article XVI:4 of the WTO Agreement.

⁽¹⁷⁾ OJ L 8, 12.1.2001, p. 1.

⁽¹⁸⁾ Should sampling for exporting producers be deemed necessary, an individual anti-dumping duty will only be determined for those exporting producers either: (i) selected to be in the sample, or (ii) for which an individual dumping margin has been determined pursuant to Article 17(3) of the basic Regulation.

Article 2 of Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters ⁽¹⁹⁾ (the enabling Regulation) provides that the Council of the European Union may, inter alia, amend Union measures taken pursuant to the basic Regulation in order to take into account the legal interpretations made in a report adopted by the WTO Dispute Settlement Body with regard to a non-disputed measure, if it considers this appropriate.

Therefore, should the review investigation which is initiated by the present Notice of initiation result in the amendment of the anti-dumping measures in force, in the Commission's view the aforementioned Article 2 would constitute a legal basis for complying with the legal interpretations developed by the Appellate Body in the above mentioned dispute. This would

imply, in more practical terms, that if an exporting producer came forward within the deadline set out above and fully cooperated by furnishing all relevant information but did not apply for IT, or applied but was found not to fulfil the criteria, the aforementioned Article 2 of the enabling Regulation could serve, in duly justified cases, as a legal basis for determining for that exporting producer an individual duty. In examining this question, the Commission will take account of the reasoning of the Appellate Body in the above mentioned dispute, and in particular of the elements discussed in paragraphs 371-384 of its report.

Operators obtaining an individual duty on the basis of this part of this Notice of initiation should be aware that the findings may result in an increase in the duty compared to the one that would apply if no individual duty had been determined.

⁽¹⁹⁾ OJ L 201, 26.7.2001, p. 10.

ANNEX A

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

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF BICYCLES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN THE PEOPLE'S REPUBLIC OF CHINA

This form is designed to assist exporting producers in the People's Republic of China in responding to the sampling information requested in point 4.1.1.1(a) 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 until 31 December 2011 for sales (export sales to the Union for each of the 27 Member States ⁽²⁾ applicable separately and in total, domestic sales and export sales to countries other than Member States of the Union for each country applicable separately and in total) of bicycles as defined in the Notice of initiation and the corresponding volume in units. State the currency used.

	Volume units		Value in accounting currency
The unit of measurement used in this table is units State the currency used in this table			
Export sales to the Union, for each of the 27 Member States ⁽³⁾ separately and in total, of the product under review, manufactured by your company	Total		
	Name each Member State ⁽⁴⁾		
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 General Agreement on Tariffs and Trade 1994.

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

⁽³⁾ See footnote 2.

⁽⁴⁾ Add additional rows where necessary.

	Volume units		Value in accounting currency
	Export sales to countries other than Member States of the Union (separately and in total) of the product under review, manufactured by your company	Total	
Name each country ⁽⁵⁾			

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽⁶⁾

Give 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. INDIVIDUAL EXAMINATION

The company declares that, in the event that it is not selected to be in the sample, it would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual dumping margin in accordance with Section 4.1.1.1(b) of the Notice of initiation.

Yes

No

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

Signature of authorised official:

Name and title of authorised official:

Date:

⁽⁵⁾ See footnote 4.

⁽⁶⁾ 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-DUMPING PROCEEDING CONCERNING IMPORTS OF BICYCLES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

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 4.1.3 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 volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from the People's Republic of China, during the period from 1 January 2011 until 31 December 2011, of bicycles as defined in the notice of initiation and the corresponding volume.

	Volume units	Value in euros (EUR)
The unit of measurement used in this table is units		
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 the People's Republic of China of the product under review		

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⁽²⁾ The 27 Member States of the European Union are: Belgium, Bulgaria, 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⁾

Give 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 party 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 C

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

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF BICYCLES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNION PRODUCERS

This form is designed to assist Union producers in responding to the sampling information requested in point 4.2.1 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 euros (EUR) of the company for sales on the Union ⁽²⁾ market and the corresponding volume, and the volume of production and imports into the Union from the People's Republic of China, during the period from 1 January 2011 until 31 December 2011, of bicycles as defined in the notice of initiation. Indicate the number of employees in the Union dealing with bicycles as defined in the notice of initiation during the period from 1 January 2011 until 31 December 2011.

	Volume (units)	Value in euros (EUR)	Number of persons
The unit of measurement used in this table is units			
Sales of the product under review on the Union market			
Production in the Union of the product under review of which captive use ⁽³⁾			
Imports into the Union of the product under review produced in the People's Republic of China			
Employees in the Union dealing with the product under review			

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⁽²⁾ The 27 Member States of the European Union are: Belgium, Bulgaria, 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⁾ Production for captive use is either transferred or sold captively, i.e. without entering the free market. Captive transfers are internal transfers of the product, which do not enter the free market, because the product is used by an integrated producer for further processing, transformation or assembly by different units of the same legal entity. These internal transfers are characterised by the fact that no commercial invoices are issued. Captive sales are sales which do not enter the free market, because the product is used for further processing, transformation or assembly by a separate legal entity which is a related company and at least one of the following is true: (i) the sales are not made at market prices; or (ii) the buyer does not have a free choice of supplier (Please contact Mr Alain Gerzat (+32 22954570) if you have further questions on this issue).

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

Give 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 investigation or producing it under sub-contracting arrangements, as well as processing or trading product under investigation etc.

Company name and location	Activities	Relationship

4. SMALL OR MEDIUM SIZED ENTERPRISES (SMES)

Is your company a small or medium-sized enterprise (SME) ⁽²⁾?

Yes

No

5. OTHER INFORMATION

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

6. 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 Union producers are based on the facts available and the result may be less favourable to that party 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.

⁽²⁾ According to the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36), a company qualifies as an SME if: 1. it employs less than 250 persons (including managers, etc.); and 2. it has an annual turnover not exceeding EUR 50 million and/or its annual balance sheet does not exceed EUR 43 million. Please note that the previously mentioned figures (employees, turnover and balance sheet) refer to the consolidated data of the company in question and its partners and/or linked companies proportionally aggregated to the percentage interest in the capital or voting rights, and are not limited to the product concerned. For further explanations please consult the new SME user guide in http://ec.europa.eu/enterprise/policies/sme/files/sme_definition/sme_user_guide_en.pdf

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

(2012/C 71/08)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on imports of certain tungsten electrodes originating in the People's Republic of China ('the 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 12 December 2011 by Eurométaux ('the applicant') on behalf of a Union producer representing a major proportion, in this case more than 50 %, of the Union production of certain tungsten electrodes.

2. Product under review

The product under review is tungsten welding electrodes, including tungsten bars and rods for welding electrodes, containing 94 % or more by weight of tungsten, other than those obtained simply by sintering, whether or not cut to length, originating in the People's Republic of China ('the product under review'), currently falling within CN codes ex 8101 99 10 and ex 8515 90 00 (TARIC codes 8101 99 10 10 and 8515 90 00 10).

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 260/2007 ⁽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 of dumping and injury.

4.1. Allegation of likelihood of continuation of dumping

In view of the provisions of Article 2(7) of the basic Regulation, the applicant established normal value for the exporting producers from the People's Republic of China which were not granted market economy treatment during the investigation leading to the measures in force on the basis of the sales prices in an appropriate market economy country, which is mentioned in point 5.1.3. For those companies which were granted market economy treatment during the investigation, normal value has been established on the basis of a constructed normal value in the People's Republic of China. The allegation of continuation

of dumping is based on a comparison of normal value, as set out in the preceding sentences, with the export prices of the product under review when sold for export to the Union.

On this basis, the dumping margins calculated are significant.

4.2. Allegation of likelihood of continuation of injury

It is also alleged that imports of the product under review from the People's Republic of China have continued to enter in significant quantities and have continued to cause injury to the Union industry.

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

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

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 injury.

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

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 169, 9.6.2011, p. 14.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

⁽³⁾ OJ L 72, 13.3.2007, p. 1.

⁽⁴⁾ An exporting producer is any company in the country concerned which produces and exports the product under review to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under review.

In view of the potentially large number of exporting producers in the People's Republic of China 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 the People's Republic of China 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 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 the People's Republic of China 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 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.

5.1.3. Selection of the market economy third country

In the previous investigation, the United States of America were used as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. The Commission envisages using the United States of America again for this purpose. Interested parties are hereby invited to comment on the appropriateness of this country. Comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

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

Union producers of the product under review are invited to participate in the Commission investigation.

In order to obtain the information it deems necessary for its investigation with regard to Union producers, the Commission will send questionnaires to the known Union producers or representative Union producers and to any known association of Union producers. All Union producers and associations of Union producers are invited to contact the Commission, preferably by e-mail, immediately but no later than 15 days after the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, in order to make themselves known and request a questionnaire.

The Union producers and the associations of Union producers must submit the completed questionnaire within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. The completed questionnaire will contain information on, inter alia, the structure of their company(ies), the financial situation of the company(ies), the activities of the company(ies) in relation to the product under 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 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⁾.

⁽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).

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 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 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-R547-Tungsten-el-A@ec.europa.eu
(to be used by exporting producers, related importers, associations and representatives of the People's Republic of China, producers in the market economy third country), and

TRADE-R547-Tungsten-el-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 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 continuation or recurrence of dumping and 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. 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⁾.

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⁽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 TUNGSTEN ELECTRODES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN THE PEOPLE'S REPUBLIC OF CHINA

This form is designed to assist exporting producers in the People's Republic of China 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 until 31 December 2011 for sales (export sales to the Union for each of the 27 Member States ⁽²⁾ applicable separately and in total, domestic sales and export sales to countries other than Member States of the Union for each country applicable separately and in total) of certain tungsten electrodes as defined in the notice of initiation and the corresponding volume. State the currency used.

	Volume (kg)	Value in accounting currency
The unit of measurement used in this table is kilogram (kg) State the currency used in this table		
Export sales to the Union, for each of the 27 Member States ⁽³⁾ separately and in total, of the product under review, manufactured by your company	Total	
	Name each Member State ⁽⁴⁾	
Domestic sales of the product under review, manufactured by your company		
Export sales to countries other than Member States of the Union (separately and in total) of the product under review, manufactured by your company	Total	
	Name each country ⁽⁵⁾	

⁽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, 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⁾ See footnote 2.

⁽⁴⁾ Add additional rows where necessary.

⁽⁵⁾ See footnote 4.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽⁶⁾

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:

⁽⁶⁾ 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 TUNGSTEN ELECTRODES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

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 volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from the People's Republic of China during the period from 1 January 2011 to 31 December 2011, of certain tungsten electrodes as defined in the notice of initiation.

	Volume (kg)	Value in euros (EUR)
The unit of measurement used in this table is kilogram (kg)		
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 the People's Republic of China 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, 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.6510 — Remondis/Sortiva/Stam Papier Recycling)

Candidate case for simplified procedure

(Text with EEA relevance)

(2012/C 71/09)

1. On 5 March 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ whereby Sortiva B.V. ('Sortiva', the Netherlands) and Remondis Nederland B.V. ('Remondis', the Netherlands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over Sortiva Papier en Kunststoffen B.V. ('Sortiva P&K', the Netherlands) and Stam Papier-Recycling B.V. ('Stam', the Netherlands), by way of a purchase of shares.

2. The business activities of the undertakings concerned are:

- for Remondis: the collection, separation and sorting of paper, cardboard and other waste flows,
- for Sortiva: the separation, sorting and recycling of non-hazardous waste flows, such as wood and rubble,
- for Sortiva P&K: the separation and sorting of paper and cardboard,
- for Stam: the collection, separation and sorting of paper and cardboard, and archive destruction.

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.6510 — Remondis/Sortiva/Stam Papier Recycling, 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 amendment 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 71/10)

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

AMENDMENT APPLICATION

COUNCIL REGULATION (EC) No 510/2006

AMENDMENT APPLICATION ACCORDING TO ARTICLE 9

'CARNE MARINHOA'

EC No: PT-PDO-0117-0233-09.01.2006

PGI () PDO (X)

1. **Heading in the specification affected by the amendment:**

- Product name
- Product description
- Geographical area
- Proof of origin
- Method of production
- Report
- Labelling
- National requirements
- Other (to be specified)

2. **Type of change:**

- Amendment to Single Document or Summary Sheet
- Amendment to Specification of registered PDO or PGI for which neither the Single Document nor Summary has been published
- Amendment to Specification that requires no amendment to the published Single Document (Article 9(3) of Regulation (EC) No 510/2006)
- Temporary amendment to Specification resulting from imposition of obligatory sanitary or phytosanitary measures by public authorities (Article 9(4) of Regulation (EC) No 510/2006)

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

3. **Amendment(s):**

3.1. *Product description:*

The aim is to ensure that 'Carne Marinhoa' can be marketed in age and weight classifications complying with current legislation and on the basis of the animals' actual weight on the date of slaughter, in view of the genetic improvement aimed at prioritising the 'meat' rather than the 'labour' aspect.

The various designations of product classes comply with the legislation in force, in terms of the age and weight of the animals at slaughter.

3.2. *Geographical area:*

Breeders in the municipalities of Coimbra, Figueira da Foz, Montemor-o-Velho and Soure, bordering the geographic area in which Carne Marinhoa is produced, have asked the Agrupamento de Produtores Gestor da Denominação de Origem to extend this area on the grounds that all the conditions required for obtaining the product, specifically in terms of feed, animal husbandry, livestock density, rearing method, breed and traditions, are fulfilled. In these municipalities, the following are similar if not identical: soil and climate conditions, husbandry practices, livestock density, the dominant flora, the Marinhoa breed itself, the agricultural practices and the rearing method and feed, all of which result in a product with exactly the same physical, chemical and sensory features as that of Carne Marinhoa.

3.3. *Proof of origin:*

The aim is to implement the provisions contained in Regulation (EC) No 510/2006 and Regulation (EC) No 1898/2006 as regards proof of origin, ensuring that the procedures that breeders, abattoirs, cutting plants and packaging plants must implement are clearer and more explicit in order to secure guarantees concerning the geographic origin of the product.

3.4. *Labelling:*

The above provisions are being finetuned and clarified and other provisions adopted to prevent third parties from availing of the value and prestige of the Designation of Origin, and to prohibit the attaching of names of distributors and other agents to the PDO. However, there is no prohibition on featuring these markings on the product label.

Some editorial and linguistic changes were also made to the Specification.

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

'CARNE MARINHOA'

EC No: PT-PDO-0117-0233-09.01.2006

PGI () PDO (X)

1. **Name:**

'Carne Marinhoa'

2. **Member State or Third Country:**

Portugal

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

3.1. *Product type:*

Class 1.1. Fresh Meat (and offal)

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

Very tender, succulent meat obtained from the Marinhoa breed of cattle, which is characterised by its corpulence and long muzzle. The colour of Marinhoa meat varies from pale pink in veal to dark red in beef; it has a firm consistency, and is slightly moist and therefore succulent. The colour of the fat also varies between white and yellowish, depending on the age of the animal. The meat is sold as follows:

- Veal — carcasses or cuts from animals slaughtered up to the age of 8 months. Carcass weight between 70 kg and 180 kg.
- Beef — carcasses or cuts from animals slaughtered between 8 and 12 months of age. Carcass weight up to 240 kg.
- Male or female bovine animal — carcasses or cuts from males or females slaughtered between the age of 12 and 30 months. Carcass weight of over 180 kg.
- Cow — carcasses or cuts from female animals over the age of 30 months. Carcass weight of over 220 kg.
- Bull — carcass or pieces from male animals over the age of 30 months. Carcass weight up to 220 kg.

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

Not applicable.

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

The rearing of Marinhão cattle, as practised in the geographical area in question, is based on traditional fodder such as the abundant natural grassland in this region.

During the time of year when cattle are housed, they are given feed based on rye grass, maize (tassels), straw and hay produced on the farm itself or by farms in the region.

It is also usual practice to provide animals with feed produced on the farm based on maize, rice or other cereals and by-products of plant origin found on the farm.

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

The animals that produce Carne Marinhoa must have been born, reared and slaughtered within the geographical area defined. All animals must be entered in the Register of Births, while the offspring of cattle entered in the herdbook of the Marinhoa breed must also be entered in this herdbook.

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

—

3.7. *Specific rules on labelling:*

Regardless of the commercial presentation of the meat, the words 'Carne Marinhoa — Denominação de Origem Protegida' must feature on the labelling, together with the tamper-proof and indelible conformity mark and the logo for 'Carne Marinhoa'.



The marketing name — Carne Marinhoa DOP — cannot be supplemented by any other reference or mention, not even by the trademarks of distributors or others, although these can appear on the labelling.

4. Concise definition of the geographical area:

The geographical area in which the animals producing Carne Marinhoa are born, reared and slaughtered is the following: municipalities of Águeda, Albergaria-a-Velha, Anadia, Aveiro, Cantanhede, Coimbra, Estarreja, Figueira da Foz, Ílhavo, Mealhada, Mira, Montemor-o-Velho, Murtosa, Oliveira do Bairro, Ovar, Sever do Vouga, Soure and Vagos, and also the parishes of Ul, Loureiro, Pinheiro da Bemposta and Palmaz in the municipality of Oliveira de Azeméis.

5. Link with the geographical area:

5.1. Specific nature of the geographical area:

The geographical area is one of the most fertile areas of Portugal, covering the basins of the rivers Vouga, Águeda and Antuã. The Marinha area has relatively muddy and very fertile soil, with groundwater that is not very deep, and has great fodder capacity. Cereal-growing, in particular maize, is predominant in the less swampy areas. Because of the characteristics of this type of soil, mechanisation was difficult, therefore large cattle were needed that were capable of working on very heavy soil. They were thus brought here for two reasons: labour and meat.

Because of these conditions, the animals feed freely on small plots of land or are fed with fodder and cereal products.

5.2. Specific feature of the product:

Marinhão cattle, which are very well adapted to the region, were initially brought there for two reasons — labour and meat. While traditional crops and feed have been continued, the cattle no longer work. Breed improvement has therefore been carried out with a view to improving the cattle's meat-production capacity.

Marinhão cattle have the conformation and physical features compatible with the type of heavy soil found in the region; the animal husbandry practised is characteristic of these conditions.

The carcasses obtained from this production system are relatively large. The colour of the meat obtained from these carcasses varies from pale pink in veal to dark red in beef; it has a firm consistency and is slightly moist. The colour of the fat varies between white and yellowish, depending on the age of the animal.

The meat is extremely succulent and tasty.

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

The soil and climate conditions in the region, the characteristics of the breed and the type of feed provided naturally result in medium to large animals with sometimes heavy carcasses compared with the age at slaughter, with few fat deposits on and in the carcass and in the cavities. The specific characteristics of the meat are succulence and tenderness, a marked taste, firm texture and pleasant chewing consistency and, above all, a characteristic smell and flavour that are not too intense as a result of the environment and the grass the animals have freely fed on or the natural fodder they have been given.

Reference to publication of the specification:

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

http://www.gpp.pt/Valor/doc/CE_Carne_marinhoa_DOP.pdf

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

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European Commission

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⁽¹⁾ Text with EEA relevance

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