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EN
Price:
EUR 3
⁽¹⁾ Text with EEA relevance

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II

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

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case COMP/M.6641 — Verbund/Siemens/E-Mobility Provider Austria)****(Text with EEA relevance)**

(2012/C 314/01)

On 20 September 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 German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32012M6641. EUR-Lex is the on-line access to the European law.
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

17 October 2012

(2012/C 314/02)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3120	AUD	Australian dollar	1,2690
JPY	Japanese yen	103,23	CAD	Canadian dollar	1,2915
DKK	Danish krone	7,4592	HKD	Hong Kong dollar	10,1704
GBP	Pound sterling	0,81150	NZD	New Zealand dollar	1,6009
SEK	Swedish krona	8,6587	SGD	Singapore dollar	1,5954
CHF	Swiss franc	1,2106	KRW	South Korean won	1 450,48
ISK	Iceland króna		ZAR	South African rand	11,3669
NOK	Norwegian krone	7,3960	CNY	Chinese yuan renminbi	8,2059
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,5405
CZK	Czech koruna	24,794	IDR	Indonesian rupiah	12 577,46
HUF	Hungarian forint	279,00	MYR	Malaysian ringgit	3,9769
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	53,896
LVL	Latvian lats	0,6962	RUB	Russian rouble	40,2880
PLN	Polish zloty	4,1029	THB	Thai baht	40,187
RON	Romanian leu	4,5777	BRL	Brazilian real	2,6676
TRY	Turkish lira	2,3629	MXN	Mexican peso	16,8231
			INR	Indian rupee	69,3590

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

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

No State aid within the meaning of Article 61(1) of the EEA Agreement

(2012/C 314/03)

The EFTA Surveillance Authority considers that the following measure does not constitute State aid within the meaning of Article 61(1) of the EEA Agreement:

Date of adoption of the decision:	30 May 2012
Case number:	68531
Decision number:	213/12/COL
EFTA State:	Iceland
Title (and/or name of the beneficiary):	On the grant of State aid in connection with repairs of the ship lift in the Westman Islands
Legal basis:	Article 61(1) of the EEA
Type of measure:	No aid
Economic sectors:	Ship building/repairs

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website:

<http://www.eftasurv.int/state-aid/state-aid-register/>

The EFTA Surveillance Authority's notice on current State aid recovery interest rates and reference/discount rates for three EFTA States applicable as from 1 June 2012

(Published in accordance with Article 10 of the Authority's Decision No 195/04/COL of 14 July 2004 ⁽¹⁾)

(2012/C 314/04)

Base rates are calculated in accordance with the Chapter on the method for setting reference and discount rates of the Authority's State aid Guidelines as amended by the Authority's Decision No 788/08/COL of 17 December 2008 ⁽²⁾. To get the applicable reference rate, appropriate margins have to be added in accordance with the State aid Guidelines. For the discount rate this means that the appropriate margin of 100 basis points has to be added to the base rate. The recovery rate will also normally be calculated by adding 100 basis points to the base rate as foreseen in the Authority's Decision No 789/08/COL of 17 December 2008 ⁽³⁾ amending the Authority's Decision No 195/04/COL of 14 July 2004 ⁽⁴⁾.

	Iceland	Liechtenstein	Norway
1.1.2012-31.5.2012	4,70	0,31	3,57
1.6.2012-	4,70	0,38	3,57

⁽¹⁾ OJ L 139, 25.5.2006, p. 37 and EEA Supplement No 26, 25.5.2006, p. 1.

⁽²⁾ OJ L 105, 21.4.2011, p. 32 and EEA Supplement No 23, 21.4.2011, p. 1.

⁽³⁾ OJ L 340, 22.12.2010, p. 1 and EEA Supplement No 72, 22.12.2010, p. 1.

⁽⁴⁾ See consolidated version on <http://www.eftasurv.int/media/decisions/195-04-COL.pdf>

Thresholds referred to in Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council, as amended by Commission Regulation (EU) No 1251/2011, expressed in the national currencies of the EFTA States

(2012/C 314/05)

	Thresholds in NOK	Thresholds in CHF	Thresholds in ISK
Thresholds in EUR			
130 000	1 042 319	176 310	21 540 485
200 000	1 603 568	271 246	33 139 208
400 000	3 207 136	542 492	66 278 416
5 000 000	40 089 200	6 781 150	828 480 200

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for proposals under the 2013 work programme 'People' of the seventh EC framework programme for research, technological development and demonstration activities

(2012/C 314/06)

Notice is hereby given of the launch of a call for proposals under the 2013 work programme 'People' of the seventh framework programme of the European Community for research, technological development and demonstration activities (2007 to 2013).

Proposals are invited for the following call. Call deadline and budget are given in the call text, which is published on the CORDIS website.

'People' specific programme:

Call title	Call identifier
Reintegration grants	FP7-PEOPLE-2013-CIG

This call for proposals relates to the 2013 work programme adopted by Commission Decision C(2012) 4561 of 9 July 2012.

Information on the modalities of the call, the work programme, and the guide for applicants on how to submit proposals is available through the CORDIS website:

<http://cordis.europa.eu/fp7/calls/>

EUROPEAN PERSONNEL SELECTION OFFICE (EPSO)

NOTICE OF OPEN COMPETITION

(2012/C 314/07)

The European Personnel Selection Office (EPSO) is organising an open competition:

EPSO/AD/247/12 — Head of Unit (AD 12) — Site management and nuclear safety at the Institute for Transuranium Elements (Karlsruhe, Germany), Joint Research Centre, European Commission

The competition notice is published in Official Journal C 314 A of 18 October 2012.

Further details can be found on the EPSO website: <http://blogs.ec.europa.eu/eu-careers.info/>

COURT PROCEEDINGS

EFTA COURT

Action brought on 9 July 2012 by DB Schenker against the EFTA Surveillance Authority**(Case E-7/12)**

(2012/C 314/08)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 9 July 2012 by Schenker North AB, Schenker Privpak AB and Schenker Privpak AS (collectively 'DB Schenker'), represented by Jon Midthjell, advocate, Advokatfirmaet Midthjell AS, Grev Wedels plass 5, 0151 Oslo, Norway.

The applicants request the EFTA Court to:

in relation to the application against the failure to act:

1. declare that the defendant has infringed Article 37(1) of the SCA by failing to act on its duty, under the Rules on Access to Documents, the Surveillance and Court Agreement and the EEA Agreement, to define its position on the request that the applicants submitted on 3 August 2010 for access to the complete file in ESA Case No 34250 (Norway Post/Privpak); and
2. order the defendant to bear the costs;

in relation to the application for damages, to give an interlocutory ruling on the liability of the defendant and defer to a subsequent stage of the proceedings the question of assessing the damages attributable to the defendant:

1. find that the inaction of the defendant between 7 September 2010 or any later date, and until the defendant has lawfully defined its position on the applicants' request for access to the complete file in ESA Case No 34250 (Norway Post), on 3 August 2010, is such as to render the defendant liable, including for default interest, under Article 46(2) of the SCA;
2. within six months after the defendant has lawfully defined its position on the applicants' request for access to the complete file in ESA Case No 34250 (Norway Post), on 3 August 2010, the applicants shall inform the Court of the amount of damages that they claim and whether the parties agree on that amount;
3. in the event of a failure to agree on the amount of damages, the parties shall submit to the Court, within the same period, their calculations of the amount of damages attributable to the defendant's failure to lawfully define its position on the applicants' request for access to the complete file in ESA Case No 34250 (Norway Post), on 3 August 2010;
4. order the defendant to bear the costs.

Legal and factual background and pleas in law adduced in support:

- The applicants, Schenker North AB, Schenker Privpak AB and Schenker Privpak AS are part of DB Schenker, an international freight forwarding and logistic group, owned by Deutsche Bahn AG. Schenker North AB runs the group's business operations by land, sea and rail in Norway, Sweden and Denmark, including the subsidiaries Schenker Privpak AS and Schenker Privpak AB (collectively referred to as 'DB Schenker').

- On 14 July 2010, the EFTA Surveillance Authority adopted a decision in Case No 34250 (Norway Post/Privpak), finding that Norway Post had abused its dominant position in the Norwegian business-to-consumer parcel delivery market in 2000-2006. The decision was upheld by the EFTA Court in Case E-15/10 *Posten Norge AS v EFTA Surveillance Authority*. The applicants are pursuing their rights for compensation from Norway Post for the damage caused by the infringement and want to review how the defendant handled the investigation and administrative procedure. On 3 August 2010, the applicants submitted a request for access to documents belonging to ESA Case No 34250, under the Rules of Access to Documents (RAD), established by a Decision of the EFTA Surveillance Authority No 407/08/COL on 27 June 2008.
- On 8 March 2012, the applicants served a pre-litigation notice on the defendant under Article 37(2) of the SCA, on the basis that the defendant had failed to take a final decision on their access request, submitted on 3 August 2010. The applicants submit that the defendant subsequently failed to take a decision on their access request after statutory pre-litigation period expired, thereby also causing losses.

The applicants claim that the EFTA Surveillance Authority has:

- infringed Article 37 of the SCA, by failing to meet its legal obligations to decide on the access request that the applicants submitted on 3 August 2010, and
 - infringed Article 46(2) of the SCA, by failing to meet its legal obligation to take a timely decision on the access request that the applicants submitted on 3 August 2010 and handle the request in an otherwise lawful manner.
-

Action brought on 15 July 2012 by DB Schenker against the EFTA Surveillance Authority**(Case E-8/12)**

(2012/C 314/09)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 15 July 2012 by Schenker North AB, Schenker Privpak AB and Schenker Privpak AS (collectively 'DB Schenker'), represented by Jon Midthjell, advokat, Advokatfirmaet Midthjell AS, Grev Wedels plass 5, 0151 Oslo, Norway.

The applicants request the EFTA Court to:

1. annul the contested decision, as notified to the applicants on 18 May 2012, in ESA Case No 68736 (DB Schenker), in so far as it denies access to:
 - (i) a complete statement of content in ESA Case No 34250 (Norway Post/Privpak);
 - (ii) a letter dated or received on 13 July 2010 from Norway Post;
 - (iii) minutes from meetings between the defendant, including its president, and Norway Post and/or the Norwegian government;
2. annul the contested decision, as notified to the applicants on 23 May 2012, in ESA Case No 68736 (DB Schenker), in so far as it denies access to a complete statement of content of the case file in the same case;
3. annul the contested decision, as notified to the applicants on 2 July 2012, in ESA Case No 68736 (DB Schenker), in so far as it denies access to:
 - (a) the procedures for administering case files, including but not limited to routines for registering incoming/outgoing correspondence and internal documents; who is authorised to open/close case numbers and register documents/events on a case; what kind of information must be registered about each document/event in the defendant's database;
 - (b) the procedures for handling public access requests under the Rules on Access to Documents established by ESA Decision No 407/08/COL on 27 June 2008;
 - (c) the ESA College decisions containing the current empowerment of the defendant's director of the administration department, the director of the competition and State aid department, and the director of the legal and executive department;
4. order the defendant and any interveners to bear the costs.

Legal and factual background and pleas in law adduced in support:

- The applicants, Schenker North AB, Schenker Privpak AB and Schenker Privpak AS (collectively referred to as 'DB Schenker') are part of an international freight forwarding and logistic group, owned by Deutsche Bahn AG. Schenker North AB runs the group's business operations by land, sea and rail in Norway, Sweden and Denmark, including the subsidiaries Schenker Privpak AS and Schenker Privpak AB.
- On 14 July 2010, the EFTA Surveillance Authority adopted a decision in Case No 34250 (Norway Post/Privpak), finding that Norway Post had abused its dominant position in the Norwegian business-to-consumer parcel delivery market in 2000-2006. The decision was upheld by the EFTA Court in Case E-15/10 *Posten Norge AS v EFTA Surveillance Authority*. The applicants are pursuing a damages claim against Norway Post for losses caused by the infringement, and want to review how the defendant conducted the investigation and administrative procedure. On 3 August 2010, the applicants submitted a request for access to documents belonging to ESA Case No 34250, under the Rules of Access to Documents (RAD), established by a Decision of the EFTA Surveillance Authority No 407/08/COL on 27 June 2008.

- On 8 March 2012, the applicants served a pre-litigation notice on the defendant under Article 37(2) of the SCA, on the basis that the defendant had failed to take a final decision on their access request, submitted on 3 August 2010. In a separate action, in Case E-7/12, the applicants submit that the defendant subsequently failed to take a decision on their access request after the statutory pre-litigation period expired, and handle their access request in an otherwise lawful manner, thereby also causing them losses.
- The applicants submit, in the present action, that they filed two additional access to documents requests with the defendant, on 12 March 2012 and 11 April 2012, seeking the statement of content in their own access case, registered as ESA Case No 68736, as well as the internal procedure/instructions governing the defendant's administration of its case files and handling of public access requests.
- On 18 May 2012, 23 May 2012 and 2 July 2012, the defendant notified the applicants of decisions concerning their first access request of 3 August 2010, their second access request of 12 March 2012 and their third access request of 11 April 2012, respectively. By this action, the applicants seek to annul those decisions, either in full or in part.

The applicants claim that the EFTA Surveillance Authority has:

- in relation to the first decision, on 18 May 2012, infringed Article 2(1) RAD and Article 16 of the SCA,
 - in relation to the second decision, on 23 May 2012, committed a misuse of its powers, infringed Article 2(1) RAD and Article 16 of the SCA, and
 - in relation to the third decision, on 2 July 2012, infringed Article 2(1) RAD and Article 16 of the SCA.
-

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice concerning the anti-dumping measures on imports of ethanolamines originating in the United States of America and a partial reopening of the anti-dumping investigation concerning imports of ethanolamines originating in the United States of America

(2012/C 314/10)

By its judgment of 8 May 2012 in Case T-158/10, the General Court of the European Union ('the General Court') annulled Council Implementing Regulation (EU) No 54/2010 of 19 January 2010 imposing a definitive anti-dumping duty on imports of ethanolamines originating in the United States of America ⁽¹⁾ ('definitive anti-dumping Regulation' or 'the contested Regulation') in so far as it concerns The Dow Chemical Company ('Dow Chemical' or 'the company concerned').

As a consequence of the judgment of 8 May 2012, imports into the European Union of ethanolamines manufactured by Dow Chemical are no longer subject to the anti-dumping measures imposed by Regulation (EU) No 54/2010.

1. Information to customs authorities

Consequently, the definitive anti-dumping duties paid pursuant to Regulation (EU) No 54/2010 on imports into the European Union of ethanolamines currently falling within CN codes ex 2922 11 00 (monoethanolamine) (TARIC code 2922 11 00 10), ex 2922 12 00 (diethanolamine) (TARIC code 2922 12 00 10) and 2922 13 10 (triethanolamine), originating in the United States of America, manufactured by Dow Chemical (TARIC additional code A115) should be repaid or remitted. The repayment or remission must be requested from national customs authorities in accordance with applicable customs legislation.

2. Partial reopening of the anti-dumping investigation

The General Court, through its judgment of 8 May 2012, annulled Regulation (EU) No 54/2010. The General Court found that the Council committed two errors of assessment: (i) in finding continued dumping during the review investigation period ('the RIP') and, therefore, on that basis, in finding a likelihood of continuation of dumping; and (ii) by fixing the spare production capacity of ethanolamines in the United States at 60 000 tonnes.

It is recognised by the Courts ⁽²⁾ that, in cases where a proceeding consists of several administrative steps, the

annulment of one of those steps does not annul the complete proceeding. The anti-dumping proceeding is an example of such a multi-step proceeding. Consequently, the annulment of parts of the definitive anti-dumping Regulation does not imply the annulment of the entire procedure prior to the adoption of the Regulation in question. On the other hand, according to Article 266 of the Treaty on the Functioning of the European Union, the institutions of the European Union are obliged to comply with the judgment of 8 May 2012 of the General Court. Accordingly, the Union's institutions, in so complying with the judgment, have the possibility to remedy the aspects of the contested Regulation which led to its annulment, while leaving unchanged the uncontested parts which are not affected by the judgment ⁽³⁾. It must be noted that all other findings made in the contested Regulation, which were not contested within the time limits for a challenge and thus were not considered by the Courts and did not lead to the annulment of the contested Regulation, remain valid.

The Commission has thus decided to reopen the anti-dumping investigation concerning imports of ethanolamines originating in the United States of America initiated pursuant to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽⁴⁾ (replaced by Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽⁵⁾) ('the basic Regulation'). The reopening is limited in scope to the implementation of the finding of the General Court as recalled above.

3. Procedure

Having determined, after consulting the Advisory Committee, that a partial reopening of the anti-dumping investigation is justified, the Commission hereby partially reopens the anti-dumping investigation concerning imports of ethanolamines

⁽¹⁾ OJ L 17, 22.1.2010, p. 1.

⁽²⁾ Case T-2/95 *Industrie des poudres sphériques (IPS) v Council* [1998], ECR II-3939.

⁽³⁾ Case C-458/98 P *Industrie des poudres sphériques (IPS) v Council* [2000], ECR I-08147.

⁽⁴⁾ OJ L 56, 6.3.1996, p. 1.

⁽⁵⁾ OJ L 343, 22.12.2009, p. 51.

originating in the United States of America initiated pursuant to Article 11(2) of the basic Regulation by a notice published in the *Official Journal of the European Union* ⁽¹⁾.

The reopening is limited in scope to the implementation of the abovementioned judgment as far as determination of continuation or recurrence of dumping during the RIP and spare production capacity of ethanolamines in the United States are concerned.

All interested parties are hereby invited to make their views known, submit information and provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in point 4(a).

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 4(b).

4. Time limits

(a) For parties to make themselves known and to submit information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit any information within 20 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

(b) Hearings

All interested parties may also apply to be heard by the Commission within the same 20-day time limit.

5. Written submissions and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this notice and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽²⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22956505

6. Non-cooperation

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

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favorable to that party than if it had cooperated.

7. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽³⁾.

8. Hearing Officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer for the Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details interested parties may consult the Hearing Officer's web pages of the website of the Directorate-General for Trade (http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm).

⁽¹⁾ OJ C 270, 25.10.2008, p. 26.

⁽²⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

⁽³⁾ OJ L 8, 12.1.2001, p. 1.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration
(Case COMP/M.6686 — Terex/GAZ/JV)
Candidate case for simplified procedure
(Text with EEA relevance)
(2012/C 314/11)

1. On 10 October 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004⁽¹⁾ by which the undertakings Terex Corporation ('Terex', USA) and Open Joint Stock Company GAZ ('GAZ', Russia), belonging to the Basic Element Group ('Basic Element', Russia) which is ultimately controlled by Mr Oleg DERIPASKA (Russia), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Construction Equipment Corporation BV ('JV', the Netherlands), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Terex: manufacture of machinery and industrial products for use in various industries, including the construction, infrastructure, quarrying, manufacturing, mining, shipping, transportation, refining, energy and utility industries,
- for Basic Element: operates in various segments such as energy, manufacturing, financial services, construction, aviation and agriculture and, via the GAZ Group, in the manufacture of light and medium-duty commercial vehicles, heavy-duty trucks, buses, cars, construction and road-building equipment, powertrain and automotive components in Russia,
- for the JV: manufacture in Russia and distribution in Russia and other countries of the Commonwealth of Independent States of construction equipment.

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.6686 — Terex/GAZ/JV, to the following address:

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

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

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

Prior notification of a concentration**(Case COMP/M.6705 — Procter & Gamble/Teva Pharmaceuticals OTC II)****(Text with EEA relevance)**

(2012/C 314/12)

1. On 9 October 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Procter & Gamble (the United States of America) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of over-the-counter ('OTC') businesses of Teva Pharmaceuticals Industries Ltd (Israel) by way of contributing assets to a newly created entity.

2. The business activities of the undertakings concerned are:

- for Procter & Gamble: manufacturing, distribution and marketing of household care, beauty care, health care and wellbeing, baby and family care products,
- for Teva Pharmaceuticals Industries Ltd.: production, distribution and marketing of affordable generic drugs, innovative and special pharmaceuticals and active pharmaceutical ingredients,
- Teva Pharmaceuticals OTC business: Teva's over-the-counter pharmaceutical business, initially acquired by Procter & Gamble from Teva in 2011 (see COMP/M.6280) and Teva's over-the-counter pharmaceutical business acquired through its acquisition of Cephalon Inc. in 2011 (see COMP/M.6258).

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

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6705 — Procter & Gamble/Teva Pharmaceuticals OTC II, 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').

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⁽¹⁾ Text with EEA relevance

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