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II

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

EUROPEAN COMMISSION

Communication from the Commission amending the Annex to the Communication from the Commission to the Member States on the application of Article 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance

(2013/C 372/01)

I. INTRODUCTION

- (1) The Communication from the Commission to the Member States on the application of Article 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance ⁽¹⁾ (the Communication) stipulates in paragraph 13 that State insurers ⁽²⁾ cannot provide short-term export-credit insurance for marketable risks. Marketable risks are defined in paragraph 9 as commercial and political risks with a maximum risk period of less than two years, on public and non-public buyers in the countries listed in the Annex to that Communication.
- (2) As a consequence of the difficult situation in Greece, a lack of insurance or reinsurance capacity to cover exports to Greece was observed in 2012. This led the Commission to amend the Communication of the Commission to the Member States pursuant to Article 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance, by temporarily removing Greece from the list of marketable risks countries ⁽³⁾. This modification expires on 31 December 2013. As a consequence, as from 1 January 2014, Greece would in principle be considered again as marketable, since all EU Member States are included in the list of marketable countries listed in the Annex to the Communication.
- (3) However, in accordance with paragraph 36 of the Communication, three months before the temporary removal ceases, the Commission has started to review the

situation in order to determine whether the current market situation justifies the expiry of Greece's removal from the list of marketable risk countries in 2014, or whether the market capacity is still insufficient to cover all economically justifiable risks, so that a prolongation is needed.

II. ASSESSMENT

- (4) When determining whether the lack of sufficient private capacity to cover all economically justifiable risks justifies the prolongation of the temporary removal of Greece from the list of marketable risk countries, the Commission consulted and sought information from Member States, private credit insurers and other interested parties. The Commission published an information request on the availability of short term export credit insurance for exports to Greece on 8 October 2013 ⁽⁴⁾. The deadline for replies expired on 6 November 2013. 24 replies were received from Member States, private insurers and exporters.
- (5) Information submitted to the Commission or available to it, clearly indicates that there is still insufficient private export credit insurance capacity for Greece and that no significant capacity is forecasted to become available in near future. The total insured turnover for Greek risks has remained constantly low in 2012/2013. Private export-credit insurers remain cautious in providing insurance coverage for exports to Greece and do not offer sufficient insurance capacity for new credit insurance limits or even to cover existing turnovers. At the same time, State insurers continued to register increasing demand for credit insurance for exports to Greece as a result of the lack of availability of

⁽¹⁾ OJ C 392, 19.12.2012, p. 1.

⁽²⁾ A State insurer is defined as a company or other organisation that provides export-credit insurance with the support of, or on behalf of, a Member State, or a Member State that provides export-credit insurance, see point 9.

⁽³⁾ OJ C 398, 22.12.2012, p. 6.

⁽⁴⁾ http://ec.europa.eu/competition/consultations/2013_export_greece/index_en.html

private insurance. No submissions provided data indicating that Greece should be reinserted in the list of marketable countries.

- (6) Since the decision to temporarily remove Greece from the list of marketable countries in December 2012, private capacity has not been restored in 2013. Respondents confirmed that the situation is particularly difficult for small and medium sized exporters and in some cases a complete stop of underwritings has been registered. The majority of the submissions considered that private capacity is still too narrow to insure exports to Greece and it is expected to only expand to a limited extent in 2014. The analysis of the Commission on the lack of sufficient private export credit insurance capacity for Greece, as set out in that decision, remains valid.
- (7) The economic outlook for Greece has been conservatively revised upwards since last December ⁽¹⁾. However, according to the European Economic Forecast — Autumn 2013, the Greek economy remains in recession, with a real GDP contracting at decelerating pace during 2013. Real GDP is expected to expand in 2014 mainly due to exports and investment. In contrast, private consumption is expected to still decline, in line with disposable income. At the same time, according to information submitted during the public consultation, the total number of business insolvencies is expected to continue to rise in 2014.
- (8) For those reasons, on the basis of the information gathered, the Commission established a lack of sufficient private capacity to cover all economically justifiable risks and decided to prolong the removal of Greece from the list of marketable risks countries.

III. AMENDMENT TO THE COMMUNICATION

- (9) The following amendment to the Communication from the Commission to the Member States on the application of Article 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance will apply from 1 January 2014 until 31 December 2014:

— The Annex is replaced by the following

‘LIST OF MARKETABLE RISK COUNTRIES

All Member States with the exception of Greece

Australia

Canada

Iceland

Japan

New Zealand

Norway

Switzerland

United States of America’

⁽¹⁾ For example: S&P and Fitch: B- from CCC in July 2012; Moody's rating remained stable at C.

Non-opposition to a notified concentration
(Case COMP/M.7066 — CNODC/Novatek/Total EPY/Yamal LNG)

(Text with EEA relevance)

(2013/C 372/02)

On 13 December 2013, 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 32013M7066. EUR-Lex is the online 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⁾

18 December 2013

(2013/C 372/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3749	AUD	Australian dollar	1,5434
JPY	Japanese yen	141,61	CAD	Canadian dollar	1,4621
DKK	Danish krone	7,4606	HKD	Hong Kong dollar	10,6586
GBP	Pound sterling	0,84010	NZD	New Zealand dollar	1,6660
SEK	Swedish krona	8,9892	SGD	Singapore dollar	1,7306
CHF	Swiss franc	1,2211	KRW	South Korean won	1 448,32
ISK	Iceland króna		ZAR	South African rand	14,2257
NOK	Norwegian krone	8,3795	CNY	Chinese yuan renminbi	8,3483
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,6360
CZK	Czech koruna	27,734	IDR	Indonesian rupiah	16 594,88
HUF	Hungarian forint	298,49	MYR	Malaysian ringgit	4,4808
LTL	Lithuanian litas	3,4528	PHP	Philippine peso	60,872
LVL	Latvian lats	0,7028	RUB	Russian rouble	45,3050
PLN	Polish zloty	4,1783	THB	Thai baht	44,365
RON	Romanian leu	4,4723	BRL	Brazilian real	3,1994
TRY	Turkish lira	2,8137	MXN	Mexican peso	17,8211
			INR	Indian rupee	85,3840

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

Explanatory Notes to the Combined Nomenclature of the European Union

(2013/C 372/04)

Pursuant to the second indent of Article 9(1)(a) of Council Regulation (EEC) No 2658/87 ⁽¹⁾, the Explanatory Notes to the Combined Nomenclature of the European Union ⁽²⁾ are hereby amended as follows:

On page 74, between heading **1602 ‘Other prepared or preserved meat, meat offal or blood’** and subheading **1602 10 00 ‘Homogenised preparations’** the following text is inserted:

‘See Additional Note 6(a) to Chapter 2 providing for the classification of uncooked seasoned poultry under Chapter 16. Whether uncooked poultry meat is seasoned or not shall be determined by application of the methods for the sensory testing of uncooked seasoned poultry meat laid down in Commission Implementing Regulation (EU) No 1362/2013 ^(*).

^(*) Commission Implementing Regulation (EU) No 1362/2013 of 11 December 2013 laying down the methods for the sensory testing of uncooked seasoned poultry for the purposes of its classification in the Combined Nomenclature (OJ L 343, 19.12.2013, p. 9).’

⁽¹⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽²⁾ OJ C 137, 6.5.2011, p. 1.

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

Decisions of the EEA Joint Committee for which the constitutional requirements under Article 103 of the EEA Agreement have been fulfilled

(2013/C 372/05)

Since March 2000, decisions of the EEA Joint Committee indicate in a footnote whether their date of entry into force depends on the fulfilment of constitutional requirements by any of the contracting parties. Such requirements were notified as regards the decisions listed below. The contracting parties in question have now notified the other contracting parties that they have completed their internal procedures. The dates of entry into force of the decisions are as indicated.

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
89/2006	7.7.2006	OJ L 289, 19.10.2006, p. 28 EEA Supplement No 52, 19.10.2006, p. 22	Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community, as corrected by OJ L 200, 7.6.2004, p. 50	1.5.2013
17/2009	5.2.2009	OJ L 73, 19.3.2009, p. 55 EEA Supplement No 16, 19.3.2009, p. 25	Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage	1.7.2013
157/2009	4.12.2009	OJ L 62, 11.3.2010, p. 63 EEA Supplement No 12, 11.3.2010, p. 61	Directive 2009/49/EC of the European Parliament and of the Council of 18 June 2009 amending Council Directives 78/660/EEC and 83/349/EEC as regards certain disclosure requirements for medium-sized companies and the obligation to draw up consolidated accounts	1.6.2013
32/2010	12.3.2010	OJ L 143, 10.6.2010, p. 27 EEA Supplement No 30, 10.6.2010, p. 34	Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims	1.5.2013
123/2010	10.11.2010	OJ L 58, 3.3.2011, p. 81 EEA Supplement No 12, 3.3.2011, p. 25	Commission Regulation (EU) No 285/2010 of 6 April 2010 amending Regulation (EC) No 785/2004 of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators	1.5.2013
17/2011	1.4.2011	OJ L 171, 30.6.2011, p. 15 EEA Supplement No 37, 30.6.2011, p. 17	Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents	1.7.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
78/2011	1.7.2011	OJ L 262, 6.10.2011, p. 45 EEA Supplement No 54, 6.10.2011, p. 57	Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (recast)	1.12.2012
103/2011	30.9.2011	OJ L 318, 1.12.2011, p. 41 EEA Supplement No 65, 1.12.2011, p. 14	Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council	1.4.2013
163/2011	19.12.2011	OJ L 76, 15.3.2012, p. 51 EEA Supplement No 15, 15.3.2012, p. 58	Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC	1.3.2013
164/2011	19.12.2011	OJ L 76, 15.3.2012, p. 56 EEA Supplement No 15, 15.3.2012, p. 63	Commission Regulation (EC) No 690/2009 of 30 July 2009 amending Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC	1.3.2013
165/2011	19.12.2011	OJ L 76, 15.3.2012, p. 57 EEA Supplement No 15, 15.3.2012, p. 64	Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC	1.3.2013
9/2012	10.2.2012	OJ L 161, 21.6.2012, p. 15 EEA Supplement No 34, 21.6.2012, p. 17	Commission Regulation (EC) No 282/2008 of 27 March 2008 on recycled plastic materials and articles intended to come into contact with foods and amending Regulation (EC) No 2023/2006	1.2.2013
23/2012	10.2.2012	OJ L 161, 21.6.2012, p. 28 EEA Supplement No 34, 21.6.2012, p. 33	Commission Implementing Regulation (EU) No 651/2011 of 5 July 2011 adopting the rules of procedure of the permanent cooperation framework established by Member States in cooperation with the Commission pursuant to Article 10 of Directive 2009/18/EC of the European Parliament and of the Council	1.2.2013
52/2012	30.3.2012	OJ L 207, 2.8.2012, p. 32 EEA Supplement No 43, 2.8.2012, p. 39	Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union	1.2.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
55/2012	30.3.2012	OJ L 207, 2.8.2012, p. 35 EEA Supplement No 43, 2.8.2012, p. 43	Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions	1.5.2013
62/2012	30.3.2012	OJ L 207, 2.8.2012, p. 42 EEA Supplement No 43, 2.8.2012, p. 51	Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council	1.2.2013
98/2012	30.4.2012	OJ L 248, 13.9.2012, p. 36 EEA Supplement No 50, 13.9.2012, p. 41	Regulation (EU) No 691/2011 of the European Parliament and of the Council of 6 July 2011 on European environmental economic accounts	1.2.2013
101/2012	30.4.2012	OJ L 248, 13.9.2012, p. 39 EEA Supplement No 50, 13.9.2012, p. 45	Protocol 31 to the EEA Agreement — JC Decision concerning extending the cooperation of the Contracting Parties to the Agreement to include Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection	5.3.2013
102/2012	30.4.2012	OJ L 248, 13.9.2012, p. 40 EEA Supplement No 50, 13.9.2012, p. 46	<p>Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)</p> <p>Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept</p> <p>Council Regulation (EC) No 491/2009 of 25 May 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)</p> <p>Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions</p> <p>Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products</p>	1.4.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
106/2012	15.6.2012	OJ L 270, 4.10.2012, p. 6 EEA Supplement No 56, 4.10.2012, p. 8	<p>Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006</p> <p>Regulation (EC) No 1336/2008 of the European Parliament and of the Council of 16 December 2008 amending Regulation (EC) No 648/2004 in order to adapt it to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures</p> <p>Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures</p> <p>Commission Regulation (EU) No 453/2010 of 20 May 2010 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)</p> <p>Commission Regulation (EU) No 440/2010 of 21 May 2010 on the fees payable to the European Chemicals Agency pursuant to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures</p>	1.2.2013
107/2012	15.6.2012	OJ L 270, 4.10.2012, p. 29 EEA Supplement No 56, 4.10.2012, p. 28	<p>Commission Regulation (EC) No 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures</p> <p>Commission Regulation (EU) No 252/2011 of 15 March 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex I</p> <p>Commission Regulation (EU) No 286/2011 of 10 March 2011 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as corrected by OJ L 138, 26.5.2011, p. 66</p>	1.2.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
109/2012	15.6.2012	OJ L 270, 4.10.2012, p. 31 EEA Supplement No 56, 4.10.2012, p. 31	Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) as corrected by OJ L 263, 6.10.2010, p. 15	1.2.2013
115/2012	15.6.2012	OJ L 270, 4.10.2012, p. 38 EEA Supplement No 56, 4.10.2012, p. 39	Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006	1.6.2013
126/2012	13.7.2012	OJ L 309, 8.11.2012, p. 4 EEA Supplement No 63, 8.11.2012, p. 5	Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products	1.4.2013
127/2012	13.7.2012	OJ L 309, 8.11.2012, p. 6 EEA Supplement No 63, 8.11.2012, p. 7	Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys	1.4.2013
138/2012	13.7.2012	OJ L 309, 8.11.2012, p. 20 EEA Supplement No 63, 8.11.2012, p. 23	Council Regulation (EU) No 333/2011 of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council	1.4.2013
139/2012	13.7.2012	OJ L 309, 8.11.2012, p. 21 EEA Supplement No 63, 8.11.2012, p. 24	Protocol 31 to the EEA Agreement — JC Decision concerning extending the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)	15.12.2012

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
143/2012	13.7.2012	OJ L 309, 8.11.2012, p. 27 EEA Supplement No 63, 8.11.2012, p. 31	<p>Commission Regulation (EC) No 1166/2009 of 30 November 2009 amending and correcting Commission Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions</p> <p>Commission Regulation (EU) No 401/2010 of 7 May 2010 amending and correcting Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products, as corrected by OJ L 248, 22.9.2010, p. 67</p> <p>Commission Regulation (EU) No 1022/2010 of 12 November 2010 authorising an increase of the limits for the enrichment of wine produced using the grapes harvested in 2010 in certain wine-growing zones</p> <p>Commission Regulation (EU) No 53/2011 of 21 January 2011 amending Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions</p> <p>Commission Regulation (EU) No 538/2011 of 1 June 2011 amending Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products</p>	1.4.2013
149/2012	13.7.2012	OJ L 309, 8.11.2012, p. 34 EEA Supplement No 63, 8.11.2012, p. 39	Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work	1.5.2013
158/2012	28.9.2012	OJ L 341, 13.12.2012, p. 8 EEA Supplement No 70, 13.12.2012, p. 9	Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council	1.5.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
167/2012	28.9.2012	OJ L 341, 13.12.2012, p. 18 EEA Supplement No 70, 13.12.2012, p. 22	Directive 2010/73/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 2003/71/EC on the prospectus to be published when securities are offered to the public or admitted to trading and 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market	1.5.2013
168/2012	28.9.2012	OJ L 341, 13.12.2012, p. 19 EEA Supplement No 70, 13.12.2012, p. 23	<p>Commission Regulation (EU) No 583/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards key investor information and conditions to be met when providing key investor information or the prospectus in a durable medium other than paper or by means of a website</p> <p>Commission Regulation (EU) No 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of the standard notification letter and UCITS attestation, the use of electronic communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities</p> <p>Commission Directive 2010/43/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards organisational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company</p> <p>Commission Directive 2010/42/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards certain provisions concerning fund mergers, master-feeder structures and notification procedure, as corrected by OJ L 179, 14.7.2010, p. 16</p>	1.5.2013
173/2012	28.9.2012	OJ L 341, 13.12.2012, p. 25 EEA Supplement No 70, 13.12.2012, p. 29	Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (recast)	7.12.2012
180/2012	28.9.2012	OJ L 341, 13.12.2012, p. 34 EEA Supplement No 70, 13.12.2012, p. 41	Commission Regulation (EU) No 1149/2011 of 21 October 2011 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks	1.3.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
184/2012	28.9.2012	OJ L 341, 13.12.2012, p. 38 EEA Supplement No 70, 13.12.2012, p. 46	Commission Decision 2011/740/EU of 14 November 2011 amending Decisions 2006/799/EC, 2007/64/EC, 2007/506/EC, 2007/742/EC, 2009/543/EC and 2009/544/EC in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products	1.7.2013
186/2012	28.9.2012	OJ L 341, 13.12.2012, p. 40 EEA Supplement No 70, 13.12.2012, p. 48	Commission Decision 2011/92/EU of 10 February 2011 introducing the questionnaire to be used for the first report on the implementation of Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide	1.6.2013
190/2012	28.9.2012	OJ L 341, 13.12.2012, p. 44 EEA Supplement No 70, 13.12.2012, p. 52	Commission Implementing Regulation (EU) No 670/2011 of 12 July 2011 amending Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products	1.4.2013
199/2012	26.10.2012	OJ L 21, 24.1.2013, p. 49 EEA Supplement No 6, 24.1.2013, p. 17	Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council	1.2.2013
200/2012	26.10.2012	OJ L 21, 24.1.2013, p. 50 EEA Supplement No 6, 24.1.2013, p. 18	Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel, as corrected by OJ L 108, 29.4.2010, p. 355	1.7.2013
201/2012	26.10.2012	OJ L 21, 24.1.2013, p. 51 EEA Supplement No 6, 24.1.2013, p. 19	Commission Decision 2010/709/EU of 22 November 2010 establishing the European Union Ecolabelling Board Commission Decision 2011/263/EU of 28 April 2011 on establishing the ecological criteria for the award of the EU Ecolabel to detergents for dishwashers Commission Decision 2011/264/EU of 28 April 2011 on establishing the ecological criteria for the award of the EU Ecolabel for laundry detergents Commission Decision 2011/330/EU of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for notebook computers Commission Decision 2011/331/EU of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for light sources	1.7.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			<p>Commission Decision 2011/333/EU of 7 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for copying and graphic paper, (6), as corrected by OJ L 161, 21.6.2011, p. 34</p> <p>Commission Decision 2011/337/EU of 9 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for personal computers</p> <p>Commission Decision 2011/381/EU of 24 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel to lubricants</p> <p>Commission Decision 2011/382/EU of 24 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel to hand dishwashing detergents</p> <p>Commission Decision 2011/383/EU of 28 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel to all-purpose cleaners and sanitary cleaners, as corrected by OJ L 110, 24.4.2012, p. 44</p>	
210/2012	7.12.2012	OJ L 81, 21.3.2013, p. 10 EEA Supplement No 18, 21.3.2013, p. 12	Commission Delegated Regulation (EU) No 286/2012 of 27 January 2012 amending, in order to include a new textile fibre name, Annex I, and, for the purposes of their adaptation to technical progress, Annexes VIII and IX to Regulation (EU) No 1007/2011 of the European Parliament and of the Council on textile fibre names and related labelling and marking of the fibre composition of textile products	1.8.2013
217/2012	7.12.2012	OJ L 81, 21.3.2013, p. 17 EEA Supplement No 18, 21.3.2013, p. 19	Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products	1.6.2013
218/2012	7.12.2012	OJ L 81, 21.3.2013, p. 18 EEA Supplement No 18, 21.3.2013, p. 21	<p>Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers</p> <p>Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances</p> <p>Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines, as corrected by OJ L 249, 27.9.2011, p. 21 and OJ L 297, 16.11.2011, p. 72</p>	1.6.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions	
219/2012	7.12.2012	OJ L 81, 21.3.2013, p. 20 EEA Supplement No 18, 21.3.2013, p. 24	Commission Delegated Regulation (EU) No 626/2011 of 4 May 2011 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of air conditioners	1.6.2013
223/2012	7.12.2012	OJ L 81, 21.3.2013, p. 25 EEA Supplement No 18, 21.3.2013, p. 30	Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (recast)	1.3.2013
229/2012	7.12.2012	OJ L 81, 21.3.2013, p. 31 EEA Supplement No 18, 21.3.2013, p. 37	Commission Directive 2011/90/EU of 14 November 2011 amending Part II of Annex I to Directive 2008/48/EC of the European Parliament and of the Council providing additional assumptions for the calculation of the annual percentage rate of charge	1.8.2013
231/2012	7.12.2012	OJ L 81, 21.3.2013, p. 33 EEA Supplement No 18, 21.3.2013, p. 39	Commission Decision 2012/448/EU of 12 July 2012 establishing the ecological criteria for the award of the EU Ecolabel for newsprint paper Commission Decision 2012/481/EU of 16 August 2012 establishing the ecological criteria for the award of the EU Ecolabel for printed paper	1.7.2013
10/2013	1.2.2013	OJ L 144, 30.5.2013, p. 14 EEA Supplement No 31, 30.5.2013, p. 16	Commission Delegated Regulation (EU) No 392/2012 of 1 March 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers, as corrected by OJ L 124, 11.5.2012, p. 56	1.6.2013
13/2013	1.2.2013	OJ L 144, 30.5.2013, p. 18 EEA Supplement No 31, 30.5.2013, p. 21	Directive 2008/92/EC of the European Parliament and of the Council of 22 October 2008 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (recast)	1.8.2013
24/2013	1.2.2013	OJ L 144, 30.5.2013, p. 31 EEA Supplement No 31, 30.5.2013, p. 35	Commission Decision 2012/49/EU of 26 January 2012 amending Decisions 2011/263/EU and 2011/264/EU in order to take account of developments in enzymes classification in accordance with Annex I to Council Directive 67/548/EEC and Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council	1.7.2013

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
44/2013	15.3.2013	OJ L 231, 29.8.2013, p. 18 EEA Supplement No 49, 29.8.2013, p. 20	Commission Decision 2012/720/EU of 14 November 2012 establishing the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Automatic Dishwasher Detergents Commission Decision 2012/721/EU of 14 November 2012 establishing the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Laundry Detergents	1.7.2013
95/2013	3.5.2013	OJ L 291, 31.10.2013, p. 61 EEA Supplement No 61, 31.10.2013, p. 69	Just repealed acts (Clean-up JCD)	1.7.2013

V

(Announcements)

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 11 September 2013

in Case E-6/12

EFTA Surveillance Authority v Kingdom of Norway

(Failure by an EEA/EFTA State to fulfil its obligations — Regulation (EEC) No 1408/71 — Regulation (EEC) No 574/72 — Social security for migrant workers)

(2013/C 372/06)

In Case E-6/12, EFTA Surveillance Authority v Kingdom of Norway — APPLICATION for a declaration that, by maintaining in force the administrative practice of not assessing whether a child, living together with another parent outside Norway, is mainly dependent on the parent who is living in Norway and separated from the other parent, the Kingdom of Norway is in breach of Article 1(f)(i), second sentence, in conjunction with Article 76 of the Act referred to at point 1 of Annex VI to the Agreement on the European Economic Area (Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended), as adapted to the EEA Agreement by Protocol 1 thereto, the Court, composed of Carl Baudenbacher, President, Per Christiansen and Páll Hreinsson (Judge-Rapporteur), Judges, gave judgment on 11 September 2013, the operative part of which is as follows:

The Court hereby:

1. Declares that, by maintaining in force the administrative practice under the Child Benefits Act of not assessing whether a child, living together with another parent outside Norway, is mainly dependent on the parent who is living in Norway and separated from the other parent, the Kingdom of Norway is in breach of Article 1(f)(i), second sentence, of the Act referred to at point 1 of Annex VI to the Agreement on the European Economic Area (Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended), as adapted to the EEA Agreement by Protocol 1 thereto;
 2. Dismisses the application as to the remainder; and,
 3. Orders each party to bear its own costs.
-

ORDER OF THE COURT**of 7 October 2013****in Joined Cases E-4/12 and E-5/12****Risdal Touring AS and Konkurrenten.no AS v EFTA Surveillance Authority***(Action for annulment of a decision of the EFTA Surveillance Authority — Access to documents — Admissibility — No need to adjudicate)*

(2013/C 372/07)

In Joined Cases E-4/12 and E-5/12, Risdal Touring AS and Konkurrenten.no AS v EFTA Surveillance Authority — APPLICATION seeking in Case E-4/12 *Risdal Touring* the annulment of the defendant's decision, first notified on 5 April 2012 without stating reasons, and subsequently notified on 4 May 2012, denying public access to the full statement of content and specific documents in ESA Case No 70506, a State aid case, on the basis of the Rules on Access to Documents ('RAD') established by ESA Decision No 407/08/COL on 27 June 2008; and in Case E-5/12 *Konkurrenten* the annulment of the defendant's decision as notified on 5 April 2012 without stating reasons and denying public access to the full statement of content in ESA Case No 60510, a State aid case, on the basis of the RAD established by ESA Decision No 407/08/COL on 27 June 2008, the Court, composed of Carl Baudenbacher, President and Judge-Rapporteur, Per Christiansen and Páll Hreinsson, Judges, gave order on 7 October 2013, the operative part of which is as follows:

The Court hereby orders:

In Case E-4/12 Risdal Touring AS v EFTA Surveillance Authority:

1. The part of the application directed at specific documents is dismissed as inadmissible;
2. There is no longer any need to adjudicate on the remainder of the application;
3. ESA is to bear its own costs and half of the costs incurred by the applicant;
4. The applicant is to bear half of its costs.

In Case E-5/12 Konkurrenten.no AS v EFTA Surveillance Authority:

1. The application is dismissed as inadmissible;
 2. ESA is to bear its own costs and the costs incurred by the applicant.
-

Request for an Advisory Opinion from the EFTA Court by Oslo tingrett, dated 30 August 2013 in the case of Fred. Olsen and others v Staten v/Skattedirektoratet

(Case E-20/13)

(2013/C 372/08)

A request has been made to the EFTA Court by a letter of 30 August 2013 from Oslo tingrett (Oslo District Court), which was received at the Court Registry on 30 August 2013, for an Advisory Opinion in the case of Fred. Olsen and others v Staten v/Skattedirektoratet, on the following questions:

1. Do trusts as a form of establishment fall within the scope of the freedom of establishment provided for in Article 31 of the EEA Agreement?

Supplementary question: If so, who holds rights pursuant to the provision of the EEA Agreement?

2. Provided that the first main question is answered in the affirmative: Does a trust meet the requirement of economic activity in Article 31 of the EEA Agreement?
3. Provided that the first main question is answered in the negative: Does a trust fall within the scope of the right to free movement of capital provided for in Article 40 of the EEA Agreement?
4. Provided that the first or third main question is answered in the affirmative: Do the Norwegian CFC rules involve one or more restrictions on the freedom of establishment or the right to free movement of capital?
5. Provided that the fourth main question is answered in the affirmative: Can the restrictions be regarded as justified by overriding reasons of public interest, and are the restrictions proportionate?
6. Does the continuous wealth taxation of the beneficiaries for the trust's assets and taxation at a rate of 1,1 % constitute a restriction pursuant to Article 31 and/or Article 40 of the EEA Agreement — and can this be invoked by the beneficiaries in a trust as described in section 2 of the request for an advisory opinion?

If the question is answered in the affirmative:

- Can the restriction be regarded as justified by overriding reasons of public interest, and is the restriction proportionate?
 - Is the taxation contrary to the requirement of respect for fundamental rights in the EEA Agreement?
 - Will it be of importance whether the agreement on the exchange of information between Norway and Liechtenstein has entered into force?
-

**Action brought on 4 October 2013 by the Fédération internationale de football association (FIFA)
against the EFTA Surveillance Authority**

(Case E-21/13)

(2013/C 372/09)

An action against the EFTA Surveillance Authority (ESA) was brought before the EFTA Court on 4 October 2013 by Fédération internationale de football association (FIFA), represented by Ami Barav, Barrister of the Bar of England and Wales and Avocat of the Paris Bar, Peter Dyrberg, Advokat of the Danish Bar and Damien Reymond, Avocat of the Paris Bar, c/o Olswang, 326 Avenue Louise, bte 26, 1050 Brussels, Belgium.

The applicant requests the EFTA Court to:

- (i) annul the contested decision in as far as it approves the inclusion of the ‘non-prime’ matches of the FIFA World CupTM on the Norwegian events’ list;
- (ii) order ESA to pay its own costs and the costs incurred by FIFA in connection with these proceedings.

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

- The applicant, the Fédération internationale de football association (FIFA), seeks the annulment of EFTA Surveillance Authority (ESA) decision No 309/13/COL of 16 July 2013 under Article 14(2) of the Audiovisual Media Services Directive (AVMSD) (the contested decision), in so far as it approves the inclusion on the Norwegian events’ list, drawn up pursuant to Article 14(1), of all the matches played within the framework of the final stage of the FIFA World CupTM, especially the matches other than the final, the semi-finals and the matches played by the Norwegian team (the ‘non-prime’ matches).
- On 12 July and 5 August 2013, FIFA requested a communication of the contested decision from ESA. In response, ESA provided them with a link to the on-line database in which the decision was published.
- FIFA is the organiser and the sole original rights’ holder of the FIFA World CupTM, which figures on the Norwegian list as approved by ESA. It considers that, in approving the inclusion on that list of the entire FIFA World CupTM, in particular the ‘non-prime’ matches played within the framework of that competition, ESA has committed a manifest error and disregarded EEA law and the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (SCA).

The applicant claims, inter alia, that the EFTA Surveillance Authority has:

- infringed Article 16 SCA; and
 - infringed Articles 14(2) of the AVMSD and 5(2)(d) SCA in failing to adequately verify the compatibility of the Norwegian measures with EEA law.
-

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain welded tubes and pipes of iron or non-alloy steel originating in Belarus, the People's Republic of China, Russia and Ukraine

(2013/C 372/10)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on the imports of certain welded tubes and pipes of iron or non-alloy steel originating in Belarus, the People's Republic of China, Russia, Thailand and Ukraine, 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 18 September 2013 by the Defence Committee of the welded steel tubes industry of the European Union ('the applicant') on behalf of producers representing more than 25 % of the total Union production of certain welded tubes and pipes of iron or non-alloy steel.

2. Product under review

The product subject to this review is welded tubes and pipes, of iron or non-alloy steel, of circular cross-section and of an external diameter not exceeding 168,3 mm, excluding line pipe of a kind used for oil or gas pipelines, casing and tubing of a kind used in drilling for oil or gas, precision tubes and tubes and pipes with attached fittings suitable for conducting gases or liquids for use in civil aircraft originating in Belarus, the People's Republic of China, Russia and Ukraine ('the product under review'), currently falling within CN codes ex 7306 30 41, ex 7306 30 49, ex 7306 30 72 and ex 7306 30 77.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1256/2008 of 16 December 2008 ⁽³⁾.

⁽¹⁾ OJ C 136, 15.5.2013, p. 25.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

⁽³⁾ OJ L 343, 19.12.2008, p. 1.

4. Grounds for the review

The request is based on the grounds that the expiry of the measures on imports from Belarus, the People's Republic of China, Russia and Ukraine ('the countries concerned') would be likely to result in recurrence of dumping and recurrence of injury to the Union industry.

4.1. Allegation of likelihood of recurrence of dumping

Since, in view of the provisions of Article 2(7) of the basic Regulation, Belarus and the People's Republic of China are considered to be non-market economy countries, the applicant established normal value for the imports from Belarus and the People's Republic of China on the basis of the price in a market economy third country, namely the United States of America, allegedly still an appropriate analogue country. With regard to imports from Belarus, the allegation of likelihood of recurrence of dumping is based on a comparison of the normal value thus established with the export price (at ex-works level) of the product under review when sold for export to Russia as there are currently no significant import volumes from Belarus to the Union. With regard to imports from the People's Republic of China, the allegation of likelihood of recurrence of dumping is based on a comparison of the normal value thus established with the export price (at ex-works level) of the product under review when sold to all destinations as there are currently no significant import volumes from the People's Republic of China to the Union.

With regard to imports from Russia, the allegation of likelihood of recurrence of dumping is based on a comparison of domestic price with the export price (at ex-works level) of the product under review when sold for export to Azerbaijan as there are currently no significant import volumes from Russia to the Union. With regard to imports from Ukraine, the allegation of likelihood of recurrence of dumping is based on a

comparison of domestic price with the export price (at ex-works level) of the product under review when sold for export to all destinations as there are currently no significant import volumes from Ukraine to the Union.

On the basis of the above comparison, which shows dumping, the applicant alleges that there is a likelihood of recurrence of dumping from the countries concerned.

4.2. Allegation of likelihood of recurrence of injury

The applicant alleges the likelihood of recurrence of injury. In this respect the applicant has provided sufficient evidence that, should measures be allowed to lapse, the current import level of the product under review from the countries concerned to the Union is likely to increase due to the existence of unused capacity of the manufacturing facilities of the exporting producers in the countries concerned and due to the attractiveness of the European Union market in terms of size and in terms of geographic proximity (the latter with regard to Belarus, Russia and Ukraine).

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

5. Procedure

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

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

Exporting producers⁽¹⁾ of the product under review from the countries concerned, including those that did not cooperate in the investigation(s) leading to the measures in force, are invited to participate in the Commission investigation.

5.1.1. Investigating exporting producers

5.1.1.1. Procedure for selecting exporting producers to be investigated in the People's Republic of China, Russia and Ukraine

Sampling

In view of the potentially large number of exporting producers in the People's Republic of China, Russia and Ukraine involved

in this expiry review 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, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, 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(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, Russia and Ukraine and may contact any known association of exporting producers.

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

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the People's Republic of China, Russia and Ukraine and associations of exporting producers will be notified by the Commission, via the authorities of these countries 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 people's Republic of China, Russia and Ukraine.

All exporting producers selected to be in the sample, any known association of exporting producers and the authorities of the People's Republic of China, Russia and Ukraine will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers').

⁽¹⁾ An exporting producer is any company in the countries concerned which produces and exports the product under investigation to the Union market, either directly or via third party, including any of its related companies involved in the production, domestic sales or exports of the product concerned.

5.1.1.2. Procedure for selecting exporting producers to be investigated in Belarus

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

The exporting producers, where applicable, the associations of exporting producers and the authorities of Belarus 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.

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

Selection of a market economy third country

In accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the Belarus and the People's Republic of China normal value will be determined on the basis of the price or constructed value in a market economy third country.

In the previous investigation the United States of America was used as a market economy third country for the purpose of establishing normal value in respect of Belarus and the People's Republic of China. For the purpose of the current investigation, the Commission envisages using again the United States of America. 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*.

5.1.3. Investigating unrelated importers ⁽¹⁾ ⁽²⁾

Unrelated importers of the product under review from Belarus, the People's Republic of China, Russia and Ukraine to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit the investigation to a reasonable number of unrelated

⁽¹⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. For the definition of a related party see footnote 13.

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

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, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, 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 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.

5.2. Procedure for the determination of a likelihood of a continuation or recurrence of injury

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

5.2.1. Investigating Union producers

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

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in section 5.6 below). Other Union producers, or representatives acting on their behalf, including Union producers who did not cooperate in the investigation(s) leading to the measures in force, that consider that there are reasons why they should be included in the sample must contact the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

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

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

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known associations 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.

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

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

All written submissions, including the information requested in this notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must 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 information may be disregarded.

Interested parties are required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate their name, address, e-mail address, telephone and fax numbers. However, any powers of attorney, signed certifications, and any updates thereof, accompanying questionnaire replies must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 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>

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Commission address for correspondence:

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

- (a) Trade-R589-Welded-Tubes-Dumping@ec.europa.eu (to be used by exporting producers, related importers, associations and representatives of Belarus, the People's Republic of China, Russia and Ukraine)
- (b) Trade-R589-Welded-Tubes-Injury@ec.europa.eu (to be used by Union producers, unrelated importers, suppliers, users, consumers and associations within 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, 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 for 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 regarding 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 other things, to the likelihood of a 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 DG Trade's website: http://ec.europa.eu/commission_2010-2014/degucht/contact/hearing-officer/

8. Schedule of the investigation

The investigation will be concluded, pursuant 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 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 measures is warranted so as to allow for the possibility to amend the measures, that party may request a review pursuant to Article 11(3) of the basic Regulation.

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

10. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX I

<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 WELDED TUBES AND PIPES OF IRON OR NON-ALLOY STEEL ORIGINATING IN BELARUS, THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA AND UKRAINE

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA AND UKRAINE

This form is designed to assist exporting producers in the People's Republic of China, Russia and Ukraine in responding to the request for sampling information made in point 5.1.1.1. 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 CONTACT DETAILS

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 1 October 2012 to 30 September 2013 for sales (export sales to the Union for each of the 28 Member States ⁽²⁾ separately and in total, domestic sales and export sales to countries other than Member States of the Union separately and in total) of certain welded tubes and pipes of iron or non-alloy steel as defined in the notice of initiation and the corresponding weight. State the volume in tonnes and the currency used.

	Tonnes		Value in accounting currency Specify the currency used
	Total	Name each Member State ⁽³⁾	
Export sales to the Union, for each of the 28 Member States separately and in total, of the product under review, manufactured by your company	Total		
	Name each Member State ⁽³⁾		
Domestic sales of the product under review, manufactured by your company			
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 ⁽⁴⁾		

⁽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 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Croatia, 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⁾ Add additional rows where necessary.

⁽⁴⁾ See footnote 3.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽⁵⁾

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 sub-contracting arrangements, or processing or trading the product under review.

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 involve 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 company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽⁵⁾ 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 II

<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 WELDED TUBES AND PIPES OF IRON OR NON-ALLOY STEEL ORIGINATING IN BELARUS, THE PEOPLE'S REPUBLIC OF CHINA, RUSSIA AND UKRAINE

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.1.3. 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 CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, and the turnover and weight or volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from Belarus, the People's Republic of China, Russia and Ukraine, during the period 1 October 2012 to 30 September 2013, of certain welded tubes and pipes of iron or non-alloy steel as defined in the notice of initiation and the corresponding weight. State the volume in tonnes.

	Tonnes	Value in euros (EUR)
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 Belarus, the People's Republic of China, Russia and Ukraine 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 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Croatia, 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. 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 sub-contracting arrangements, or processing or trading the product under review.

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 involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

Notice of the expiry of certain anti-dumping measures

(2013/C 372/11)

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

This notice is published in accordance with Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 ⁽²⁾ on protection against dumped imports from countries not members of the European Community.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry ⁽¹⁾
Certain welded tubes and pipes of iron or non-alloy steel	Thailand	Anti-dumping duty	Council Regulation (EC) No 1256/2008 (OJ L 343, 19.12.2008, p. 1)	20.12.2013

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

⁽¹⁾ OJ C 136, 15.5.2013, p. 25.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

Notice of initiation of an anti-subsidy proceeding concerning imports of polyester staple fibres originating in the People's Republic of China, India and Vietnam

(2013/C 372/12)

The European Commission ('the Commission') has received a complaint pursuant to Article 10 of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), alleging that imports of polyester staple fibres ('PSF'), originating in the People's Republic of China, India and Vietnam are being subsidised and are thereby causing material injury to the Union industry.

1. Complaint

The complaint was lodged on 4 November 2013 by the European Man-made Fibres Association ('CIRFS') ('the complainant') on behalf of producers representing more than 25 % of the total Union production of PSF.

2. Product under investigation

The product subject to this investigation is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning ('the product under investigation').

3. Allegation of subsidisation

The product allegedly being subsidised is the product under investigation, originating in the People's Republic of China, India and Vietnam ('the countries concerned'), currently falling within CN code 5503 20 00. This CN code is given for information only.

The prima facie evidence provided by the complainant shows that the producers of the product concerned from the People's Republic of China, India and Vietnam have benefited from a number of subsidies granted by the Governments of the People's Republic of China, India and Vietnam, respectively.

In the case of the People's Republic of China, the subsidies consist, *inter alia*, of the government provision of input products for less than adequate remuneration and the government entrustment and direction of private suppliers, preferential lending to the PSF industry by state-owned banks and the government entrustment and direction of private banks, development grants and interest subsidies for the textile sector, the 'Go Global' Special Fund, the Trade Promotion Fund for Agriculture, Light Industry and Textile Products, income tax exemptions on foreign (Investment) Enterprises, income tax exemptions on dividend income between qualified resident enterprises, income tax reductions for recognised high and new technology enterprises, income tax reductions in

special economic zones, income tax reductions for export-oriented enterprises, tax credits of up to 40 % of the purchase value of domestically produced equipment, tariffs and/or value-added tax exemptions on imported equipment and on purchases of domestically manufactured equipment, government provision of land-use rights, government provision of electricity and water. In addition, the subsidies consist of, *inter alia*, tax (and other) exemptions in development zones in the Province of Jiangsu, tax incentives and preferential rents in the City of Changzhou, export incentives and technology grants in the Province of Zhejiang, tax and duty incentives in development zones, export incentives, reimbursement of legal fees, foreign trade activities (special) funds programme, loan interest subsidies to support technological innovation projects in the Province of Guangdong, preferential tax rates in development zones and preferential infrastructure, lending and tax policies for export-oriented enterprises in the Province of Shanghai.

In the case of India, the subsidies consist, *inter alia*, of duty credits under the Focus Market Scheme and the Focus Product Scheme, the Advance Authorisation Scheme, the Duty Entitlement Passbook Scheme, the Duty Drawback Scheme, the Export Promotion Capital Goods Scheme, tax and duty exemptions and reductions in Export Oriented Units and the Special Economic Zones, the Export Credit Scheme, the Income Tax Exemption Scheme, the Incremental Exports Incentivisation Scheme, the Duty free import authorisation scheme, the Market development assistance scheme and loan guarantees. In addition, the subsidies consist of, *inter alia*, the Capital Investment Incentive Scheme of the Government of Gujarat, the Gujarat Sales Tax Incentive Scheme and Electricity Duty Exemption Scheme, West Bengal Subsidy Schemes — incentives and tax concessions, including grants and the exemption of sales tax, the Maharashtra Electricity Duty Exemption Scheme.

In the case of Vietnam, the subsidies consist, *inter alia*, of government provision of goods to the PSF industry by state-owned enterprises for less than adequate remuneration, government incentives (in the form of tax and duty exemptions and preferential loans) in the Dinh Vu Industrial Zone, government preferential lending to the PSF industry from state-owned banks and the government entrustment and direction of private banks, government provision of land for less than adequate remuneration and exemptions or reductions from land and water rents under, *inter alia*, Decree No 142/2005/ND-CP, interest rate subsidies under, *inter alia*, Decision No 131/2009-QD-TTg, preferential income tax rates, tax exemptions or reduction under, *inter alia*, Decree No 164/2003/ND-CP amended and supplemented by Decrees No 152/2004/ND-CP and No 149/2005/ND-CP, tax and rent exemptions/reductions, government loans, interest rate supports, export credit preferences in Hi-Tech parks, industrial zones and industrial parks under, *inter alia*, Decisions No 53/2004/QD-TTg and Decree No 99/2003/ND-CP, income tax incentives under, *inter alia*, Decree 124-2008-ND-CP, exemptions from, and reimbursements of, import tax and

⁽¹⁾ OJ L 188, 18.7.2009, p. 93.

export tax under, *inter alia*, Law No 45/2005/QH-11 and Decree No 87/2010/ND-CP. In addition, the subsidies consist of, *inter alia*, the following benefits under Decree No 51/1999/ND-CP, amended and supplemented by Decree No 35/2002/ND-CP, Decision No 55/2001/QD-TTg, Law No 59-2005-QH11 and Law on Foreign Investment in Vietnam, Decree No 61/2010/ND-CP, Decisions No 1483/QD-TTg and Decision No 12/2011: Import Duty Exemptions on raw materials and supplies, Tax and Duty Exemptions, accelerated depreciation, and preferential credit for foreign investment, Corporate Income Tax Incentives, preferential loans, grants, guarantees, tax benefits and provision of goods and services to supported industries for less than adequate remuneration, domestic investment support through e.g. export credits, provision of infrastructure and services for less than adequate remuneration, exemption from land use taxes and rents.

The Commission reserves the right to investigate other subsidies which may be revealed during the course of the investigation.

The *prima facie* evidence provided by the complainant shows that the above schemes are subsidies since they involve a financial contribution from the Governments of the People's Republic of China, India and Vietnam or other regional governments (including public bodies) and confer a benefit to the recipients. They are alleged to be contingent upon export performance and/or the use of domestic over imported goods and/or are limited to certain sectors and/or types of enterprises and/or locations, and are therefore specific and countervailable.

4. Allegation of injury and causation

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

The *prima facie* evidence provided by the complainant shows that the import volume and the prices of the product under investigation have had, among other consequences, a negative impact on the level of prices charged and the market share held by the Union industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Union industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 10 of the basic Regulation.

The investigation will determine whether the product under investigation originating in the countries concerned is being subsidised and whether these subsidised imports have caused injury to the Union industry. If the conclusions are affirmative,

the investigation will examine whether the imposition of measures would not be against the Union interest.

The Governments of the People's Republic of China, India and Vietnam have been invited for consultations.

5.1. Procedure for the determination of subsidisation

Exporting producers ⁽¹⁾ of the product under investigation from the countries concerned and the authorities of the countries concerned are invited to participate in the Commission investigation.

5.1.1. Investigating exporting producers

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

(a) Sampling

In view of the potentially large number of exporting producers in the People's Republic of China, India and Vietnam involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

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

In order to obtain information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of the countries 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.

⁽¹⁾ An exporting producer is any company in the countries concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.

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 countries concerned and associations of exporting producers will be notified by the Commission, via the authorities of the countries concerned if appropriate, of the companies selected to be in the sample.

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

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

The questionnaire for exporting producers will request information on, *inter alia*, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the product under investigation, the total sales of the company(ies) and of the product under investigation and the amount of financial contribution and benefit from the alleged subsidies or subsidy programmes and any other similar or closely connected measures to these programmes.

The questionnaire for the authorities will request information on, *inter alia*, the alleged subsidies or subsidy programme(s), the authorities responsible for their operation, the manner and functioning of such operation, the legal basis, the eligibility criteria and other terms and conditions, the recipients and the amount of financial contribution and benefit conferred.

Without prejudice to the application of Article 28 of the basic Regulation companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to section (b) below, the countervailing duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average margin of subsidisation established for the exporting producers in the sample ⁽¹⁾.

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

Non-sampled cooperating exporting producers may request, pursuant to Article 27(3) of the basic Regulation, that the

⁽¹⁾ Pursuant to Article 15(3) of the basic Regulation, any zero and *de minimis* amounts of countervailable subsidies and amounts of countervailable subsidies established in the circumstances referred to in Article 28 of the basic Regulation shall be disregarded.

Commission establish their individual subsidy margins. The exporting producers wishing to claim an individual subsidy margin must request a questionnaire and return it duly completed within 37 days of the date of notification of the sample selection, unless otherwise specified.

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

5.1.2. Investigating unrelated importers ⁽²⁾ ⁽³⁾

Unrelated importers of the product under investigation from the People's Republic of China, India and Vietnam 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 27 of the basic Regulation.

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

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

⁽²⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized 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.

⁽³⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of subsidisation.

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

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain 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 request information on, *inter alia*, the structure of their company(ies), the activities of the company(ies) in relation to the product under investigation and the sales of the product under investigation.

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

A determination of injury is based on positive evidence and involves an objective examination of the volume of the subsidised imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is materially injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

5.2.1. Investigating Union producers

In view of the large number of Union producers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 27 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in section 5.6 below). Other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample must contact the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. All interested parties wishing to submit any other relevant information regarding the selection of the sample must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

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

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

The questionnaire will request information on, *inter alia*, the structure of their company(ies) and the financial and economic situation of the company(ies).

5.3. Procedure for the assessment of Union interest

Should the existence of subsidisation and injury caused thereby be established, a decision will be reached, pursuant to Article 31 of the basic Regulation, as to whether the adoption of anti-subsidy measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 31 will only be taken into account if supported by factual evidence at the time of submission.

5.4. Other written submissions

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.5. Possibility to be heard by the Commission investigation services

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

5.6. *Instructions for making written submissions and sending completed questionnaires and correspondence*

All written submissions, including the information requested in this notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 29(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

Interested parties are required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, 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 must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 28(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of 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 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22985353

E-mail concerning subsidy issues for the People's Republic of China and Annex I:
TRADE-PSF-SUBSIDY-CHINA@ec.europa.eu

E-mail concerning subsidy issues for India and Annex I:
TRADE-PSF-SUBSIDY-INDIA@ec.europa.eu

E-mail concerning subsidy issues for Vietnam and Annex I:
TRADE-PSF-SUBSIDY-VIETNAM@ec.europa.eu

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 29 of Council Regulation (EC) No 597/2009 (OJ L 188, 18.7.2009, p. 93) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures. 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).

E-mail concerning injury and Annex II:
TRADE-PSF-INJURY@ec.europa.eu

6. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 28 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

7. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer for 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 regarding 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 other things, to subsidisation, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website http://ec.europa.eu/commission_2010-2014/degucht/contact/hearing-officer/

8. Schedule of the investigation

The investigation will be concluded, pursuant to Article 11(9) of the basic Regulation within 13 months of the date of the publication of this notice in the *Official Journal of the European Union*. In accordance with Article 12(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Union*.

9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

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⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX I

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

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF POLYESTER STAPLE FIBRES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA, INDIA AND VIETNAM

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN THE PEOPLE'S REPUBLIC OF CHINA, INDIA AND VIETNAM

This form is designed to assist exporting producers in the People's Republic of China, India and Vietnam in responding to the request for sampling information made in point 5.1.1.1 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 CONTACT DETAILS

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 October 2012 to 30 September 2013 for sales (export sales to the Union for each of the 28 Member States ⁽²⁾ separately and in total, domestic sales and export sales to countries other than Member States of the Union separately and in total) of polyester staple fibres as defined in the notice of initiation and the corresponding weight or volume. State the currency used.

	Volume in tonnes		Value in accounting currency Specify the currency used
	Total	Name each Member State ⁽³⁾	
Export sales to the Union, for each of the 28 Member States separately and in total, of the product under investigation, manufactured by your company			
Domestic sales of the product under investigation, 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 29 of Council Regulation (EC) No 597/2009 (OJ L 188, 18.7.2009, p. 93) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

⁽²⁾ The 28 Member States of the European Union are: Belgium, Bulgaria, Croatia, 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⁾ Add additional rows where necessary.

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 investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

Company name and location	Activities	Relationship

4. INFORMATION RELATED TO PURCHASE OF PTA AND MEG

Please provide a full list of PTA and MEG suppliers in the investigation period, if any, and indicate which of these suppliers are state-owned (directly or indirectly) and provide the percentage (share) of the State ownership ⁽²⁾.

Company name and location	Input supplied (PTA or MEG)	State owned (Yes/No)	Share of state ownership

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. INDIVIDUAL SUBSIDY MARGIN

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 subsidy margin in accordance with section 5.1.1.1(b) of the notice of initiation.

Yes

No

7. 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 involve 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 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 recognized 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⁾ This request of information only concerns exporting producers in the People's Republic of China and in Vietnam.

ANNEX II

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

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF POLYESTER STAPLE FIBRES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA, INDIA AND VIETNAM

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made 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 CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, and the turnover and weight or volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from the People's Republic of China, India and/or Vietnam during the period from 1 October 2012 to 30 September 2013, of polyester staple fibres as defined in the notice of initiation and the corresponding weight or volume.

	Volume in tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation from the People's Republic of China into the Union		
Resales on the Union market after importation from the People's Republic of China of the product under investigation		

⁽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 29 of Council Regulation (EC) No 597/2009 (OJ L 188, 18.7.2009, p. 93) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

⁽²⁾ The 28 Member States of the European Union are: Belgium, Bulgaria, Croatia, 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.

	Volume in tonnes	Value in euros (EUR)
Imports of the product under investigation from India into the Union		
Resales on the Union market after importation from India of the product under investigation		
Imports of the product under investigation from Vietnam into the Union		
Resales on the Union market after importation from Vietnam of the product under investigation		

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 investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

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 involve 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 recognized 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.7116 — Sixth AP Fund/Nordstjernan/Salcomp)

Candidate case for simplified procedure

(Text with EEA relevance)

(2013/C 372/13)

1. On 9 December 2013, 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 Sixth AP Fund ('AP6', Sweden) and Nordstjernan AB ('Nordstjernan', Sweden) acquire, within the meaning of article 3(1)(b) of the Merger Regulation, joint control of the undertaking Salcomp Oyj ('Salcomp', Finland) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- For AP 6: Swedish national pension fund,
- For Nordstjernan: Swedish private equity fund,
- For Salcomp: manufacture of chargers for mobile phones, tablets and other mobile devices.

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.7116 — Sixth AP Fund/Nordstjernan/Salcomp, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
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.7131 — Compal Electronics/Toshiba Television Central Europe)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2013/C 372/14)

1. On 13 December 2013, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Compal Electronics, Inc. ('Compal', Taiwan), intends to acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control of Toshiba Television Central Europe sp. z o.o. ('TTCE', Poland) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— For Compal Electronics, Inc.: the manufacture of notebooks, tablets, smart phones, and TV products for sale on an Original Design Manufacturer ('ODM') basis,

— For TTCE: the manufacture of TVs.

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 ten 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.7131 — Compal Electronics/Toshiba Television Central Europe, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
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.7050 — Allianz SE/NRF/Kamppi Shopping Center)
Candidate case for simplified procedure
(Text with EEA relevance)
(2013/C 372/15)

1. On 11 December 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Allianz SE (Germany) and Nordic Retail Fund FCP — FIS (NRF, Luxembourg) acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, joint control of NRF (Finland) AB ('the Company', Sweden) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Allianz SE: the ultimate holding company of Allianz Group and a multinational financial services provider active worldwide in the insurance and asset management business,
 - NRF: a real estate fund established in Luxembourg with a focus on investing in shopping centres in Finland and Sweden,
 - for the Company: a shareholder of various Finnish companies which are owners of or holders of hereditary building rights to Kamppi Shopping Centre in Helsinki, Finland.
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.7050 — Allianz SE/NRF/Kamppi Shopping Center, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
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').

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PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

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⁽¹⁾ Text with EEA relevance

EUR-Lex (<http://new.eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



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