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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

IV

*(Notices)*NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

COUNCIL

Notice for the attention of the persons subject to the restrictive measures provided for in Council Decision 2014/145/CFSP, as amended by Council Decision 2014/308/CFSP, and in Council Regulation (EU) No 269/2014 as implemented by Council Implementing Regulation (EU) No 577/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

(2014/C 164/01)

The following information is brought to the attention of the persons that appear in the Annex to Council Decision 2014/145/CFSP⁽¹⁾, as amended by Council Decision 2014/308/CFSP⁽²⁾, and in Annex I to Council Regulation (EU) No 269/2014⁽³⁾, as implemented by Council Implementing Regulation (EU) No 577/2014⁽⁴⁾ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

The Council of the European Union has decided that the persons that appear in the abovementioned Annexes should be included in the list of persons and entities subject to restrictive measures provided for in Decision 2014/145/CFSP and in Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The grounds for designations of those persons appear in the relevant entries in those Annexes.

The attention of the persons concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the websites in Annex II to Regulation (EU) No 269/2014, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 4 of the Regulation).

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

Council of the European Union
General Secretariat
DG C 1C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

e-mail: sanctions@consilium.europa.eu.

The attention of the persons concerned is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, 2nd paragraph, and Article 263, 4th and 6th paragraphs, of the Treaty on the Functioning of the European Union.

⁽¹⁾ OJ L 78, 17.3.2014, p. 16.

⁽²⁾ OJ L 160, 29.5.2014, p. 34.

⁽³⁾ OJ L 78, 17.3.2014, p. 6.

⁽⁴⁾ OJ L 160, 29.5.2014, p. 7.

Notice for the attention of persons and entities subject to the restrictive measures provided for in Council Decision 2013/255/CFSP and in Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

(2014/C 164/02)

The following information is brought to the attention of the persons and entities designated in Annex I to Council Decision 2013/255/CFSP⁽¹⁾, as amended by Council Decision 2014/309/CFSP⁽²⁾, and in Annex II to Council Regulation (EU) No 36/2012⁽³⁾, as implemented by Council Implementing Regulation (EU) No 578/2014⁽⁴⁾, concerning restrictive measures in view of the situation in Syria.

The Council of the European Union, after having reviewed the list of persons and entities designated in the abovementioned Annexes, has determined that the restrictive measures provided for in Decision 2013/255/CFSP and in Regulation (EU) No 36/2012 should continue to apply to those persons and entities.

The attention of the persons and entities concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated on the websites in Annex IIa to Regulation (EU) No 36/2012, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 16 of the Regulation).

The persons and entities concerned may submit a request to the Council before 31 March 2015, together with supporting documentation that the decision to include them on the abovementioned list should be reconsidered to the following address:

Council of the European Union
General Secretariat
DG C 1C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

e-mail: sanctions@consilium.europa.eu

Any observations received will be taken into account for the purpose of the Council's next review, pursuant to Article 34 of Decision 2013/255/CFSP and Article 32(4) of Regulation (EU) No 36/2012, of the list of designated persons and entities.

⁽¹⁾ OJ L 147, 1.6.2013, p. 14.

⁽²⁾ OJ L 160, 29.5.2014, p. 38.

⁽³⁾ OJ L 16, 19.1.2012, p. 1.

⁽⁴⁾ OJ L 160, 29.5.2014, p. 11.

EUROPEAN COMMISSION

Euro exchange rates⁽¹⁾

28 May 2014

(2014/C 164/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3608	CAD	Canadian dollar	1,4781
JPY	Japanese yen	138,73	HKD	Hong Kong dollar	10,5497
DKK	Danish krone	7,4631	NZD	New Zealand dollar	1,6039
GBP	Pound sterling	0,81250	SGD	Singapore dollar	1,7096
SEK	Swedish krona	9,0320	KRW	South Korean won	1 390,72
CHF	Swiss franc	1,2225	ZAR	South African rand	14,2843
ISK	Iceland króna		CNY	Chinese yuan renminbi	8,5122
NOK	Norwegian krone	8,1020	HRK	Croatian kuna	7,5960
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 836,99
CZK	Czech koruna	27,442	MYR	Malaysian ringgit	4,3861
HUF	Hungarian forint	304,00	PHP	Philippine peso	59,825
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	46,9764
PLN	Polish zloty	4,1564	THB	Thai baht	44,504
RON	Romanian leu	4,3955	BRL	Brazilian real	3,0569
TRY	Turkish lira	2,8616	MXN	Mexican peso	17,5298
AUD	Australian dollar	1,4745	INR	Indian rupee	80,1885

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

NOTICES FROM MEMBER STATES

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

Public service obligations in respect of scheduled air services

(Text with EEA relevance)

(2014/C 164/04)

Member State	Greece
Concerned route	Athens – Kozani – Kastoria
Date of entry into force of the public service obligations	From 1 September 2014
Address where the text and any relevant information and/or documentation related to the public service obligation can be obtained free of charge	Hellenic Civil Aviation Authority Directorate-General for Air Transport Air Transport and International Affairs Division Section II P.O. Box 70360 16604 Glyfada — Athens GREECE Tel. +30 21 08916149 / 08916121 Fax +30 21 08947132 Internet: www.hcaa.gr

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

Invitation to tender in respect of the operation of scheduled air services in accordance with public service obligations

(Text with EEA relevance)

(2014/C 164/05)

Member State	Greece
Concerned route	Athens – Kozani – Kastoria
Period of validity of the contract	1 September 2014-31 August 2018
Deadline for submission of tenders	61 days after the day of publication of the notice of PSOs
Address where the text of the invitation to tender and any relevant information related to the public tender and the public service obligation can be obtained free of charge	Hellenic Civil Aviation Authority Directorate General for Air Transport Air Transport and International Affairs Division Section II PO Box 70360 16604 Glyfada — Athens GREECE Tel. +30 2108916149 / 2108916121 Fax +30 2108947132 Internet: www.hcaa.gr

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

Public service obligations in respect of scheduled air services

(Text with EEA relevance)

(2014/C 164/06)

Member State	Greece
Concerned route	Thessaloniki – Limnos – Ikaria
Date of entry into force of the public service obligations	From 1 September 2014
Address where the text and any relevant information and/or documentation related to the public service obligation can be obtained free of charge	Hellenic Civil Aviation Authority Directorate General for Air Transport Air Transport and International Affairs Division Section II PO Box 70360 16604 Glyfada — Athens GREECE Tel. +30 2108916149 / 2108916121 Fax +30 2108947132 Internet: www.hcaa.gr

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

Invitation to tender in respect of the operation of scheduled air services in accordance with public service obligations

(Text with EEA relevance)

(2014/C 164/07)

Member State	Greece
Concerned route	Thessaloniki – Limnos – Ikaria
Period of validity of the contract	1 September 2014-31 August 2018
Deadline for submission of tenders	61 days after the day of publication of the notice of PSOs
Address where the text of the invitation to tender and any relevant information related to the public tender and the public service obligation can be obtained free of charge	Hellenic Civil Aviation Authority Directorate General for Air Transport Air Transport and International Affairs Division Section II PO Box 70360 16604 Glyfada – Athens GREECE Tel. +30 2108916149 / 2108916121 Fax +30 2108947132 Internet: www.hcaa.gr

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

Invitation to tender in respect of the operation of scheduled air services in accordance with public service obligations

(2014/C 164/08)

Member State	Spain
Concerned route	Menorca – Madrid
Period of validity of the contract	Two periods of eight months (October to May) from the start of the operation
Deadline for submission of tenders	2 months following the date of publication of this notice
Address where the text of the invitation to tender and any relevant information and/or documentation related to the public tender and the public service obligation can be obtained	Ministerio de Fomento Dirección General de Aviación Civil Subdirección General de Transporte Aéreo Paseo de la Castellana 67 28071 Madrid ESPAÑA Tel. +34 915978454 Fax +34 915978643 E-mail: osp.dgac@fomento.es

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Commission Notice

concerning the reimbursement of anti-dumping duties

(2014/C 164/09)

This Notice sets out the guidelines on how to apply for a refund of anti-dumping duties under Article 11(8) of Council Regulation (EC) No 1225/2009⁽¹⁾ (the 'basic Regulation'). These guidelines repeal and replace those published in 2002⁽²⁾. The purpose of the guidelines is to clarify for the different parties involved in a refund procedure the conditions to be fulfilled by an application and to give a comprehensive step-by-step explanation of the procedure which may lead to a reimbursement.

1. Aim

The refund procedure is intended to reimburse anti-dumping duties paid where it is shown that the dumping margin, on the basis on which duties were established, has been eliminated or reduced. It involves an investigation into the exporting producer's exports to the Union and a calculation of a new dumping margin.

2. Basic principles governing a refund procedure

2.1. What are the conditions to be fulfilled?

Applications for refund under Article 11(8) of the basic Regulation must demonstrate that the dumping margin, on the basis of which duties were established, has decreased or has been eliminated. In other circumstances, the provisions of chapter 5 of title VII of the Community Customs Code concerning the repayment of import duties may apply⁽³⁾.

2.2. Who is entitled to apply for a refund?

- (a) Any importer who imported goods into the Union for which anti-dumping duties were established by customs authorities may apply for a refund.
- (b) Where anti-dumping duties were imposed further to an investigation in which the Commission resorted to a sample of exporting producers to assess dumping pursuant to Article 17 of the Basic Regulation, importers can request a refund regardless of whether the importers' exporting producers were sampled or not.

2.3. What is the deadline to apply for a refund?

- (a) Applications must be submitted within maximum six months of the date when the amount of the anti-dumping duties were determined by the competent customs authorities, i.e. the date of notification of the customs debt by the customs authorities under Article 221 of the Community Customs Code. The submission must be done to the competent authority of the Member State in which the goods were cleared for free circulation in the Union (see 3.2. and 3.3 below).

⁽¹⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽²⁾ Commission Notice concerning the reimbursement of anti-dumping duties (OJ C 127, 29.5.2002, p. 10).

⁽³⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1) as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

- (b) Even if an importer is challenging the validity of anti-dumping duties applied to its transactions under the provisions of the Customs legislation of the Union, whether this action suspends the payment of duties or not, the importer must nonetheless introduce an application for a refund within the six-month time limit from the determination of duties in order for the application to be admissible.

The Commission may in agreement with the applicant decide to suspend the refund investigation until the liability to the anti-dumping duties has been finally established.

2.4. *How is the revised dumping margin established?*

- (a) The Commission will establish, for a representative period, a dumping margin in respect of all the exports of the product concerned made by the exporting producer to all its importers in the Union and not only to the importer claiming a refund.
- (b) Consequently, the refund investigation will cover all product control numbers⁽¹⁾ falling under the product definition set out in the Regulation imposing the anti-dumping duties and not only those of the products imported into the Union by the applicant.
- (c) Unless circumstances have changed, the same methodology as the one applied during the investigation which led to the duty will be followed.

2.5. *Whose cooperation is required?*

Successful completion of a refund application is not only dependent upon the cooperation of the applicant but also on the cooperation of the exporting producer. The applicant has to ensure that the exporting producer submits the relevant information to the Commission. This implies completing a questionnaire covering a wide range of commercial data for a defined representative period in the past and accepting the examination of such information including a verification visit. An exporting producer cannot 'partially cooperate' by submitting only selective data. Any such approach would lead the Commission to the conclusion that it was not cooperating and to the rejection of the application.

2.6. *How is confidential information protected?*

The rules of confidentiality as laid down in Article 19 of the basic Regulation apply to all information received in connection with the applications for a refund of anti-dumping duties.

2.7. *How much may be refunded?*

If the admissibility and merits of the application are established, the investigation may result in:

- no refund of the anti-dumping duties paid when the dumping margin is found equal or higher to the anti-dumping duty collected,
- or
- the refund of a part of the anti-dumping duties paid when the dumping margin has decreased below the anti-dumping duty collected,
- or
- the refund of all of the anti-dumping duties paid when the dumping margin has been eliminated versus the anti-dumping duty collected.

2.8. *What is the deadline to finalise the refund investigation?*

The Commission should normally decide on the refund within 12 months and in no circumstances within more than 18 months, from the date on which the application for refund is *duly supported by evidence*. Under Article 11(8) fourth indent of the basic Regulation, an application is *duly supported by evidence* where it contains precise information on the amount of anti-dumping duty claimed, all customs documentation related to the establishment and payment of such duties and information on normal values (including normal value in an analogue country in case of exports from a non-market economy country where the exporting producer cannot demonstrate that market economy conditions prevail for it – see points 3.5 and 4(d) below) and export prices for the exporting producer to which the duty applies (see point 4 below).

⁽¹⁾ Product control numbers are created for the purpose of calculating the dumping margin for each unique type and possible combination of product characteristics, for all products produced and exported to the European Union as well as for those sold domestically.

If a refund be granted, Member States authorities will have 90 days to effect the payment from date when the Commission Decision is notified to them.

3. The application

3.1. Form of the application

The application must be submitted in writing, in an official language of the Union and signed by a person empowered to represent the applicant. The application must be made on the form attached as Annex I to this notice.

The application must clearly indicate the total amount of anti-dumping duties for which a refund is sought and identify the specific import transactions on which that total is based.

The application must be based on a reduction or an elimination of the dumping margin. It must therefore include a statement that the dumping margin of the applicant's exporting producer, on the basis of which the anti-dumping duties have been established, has decreased or has been eliminated.

3.2. Submission of the application

The application must be submitted to the competent authorities of the Member State on whose territory the product concerned by the anti-dumping duties was released for free circulation. The list of the competent authorities is published on the website of DG Trade.

The Member State should immediately forward the application and all relevant documentation to the Commission.

3.3. Time-limits for the submission of an application

(a) Six-month time-limit

All applications for reimbursement must be submitted to the competent authorities of the appropriate Member State within the six-month time-limit⁽¹⁾ set out in Article 11(8) second indent of the basic Regulation.

The deadline of six months must be respected even in cases where a Regulation imposing the duty in question is being challenged before the Courts of the European Union or where the application of the Regulation is being challenged before national administrative or judicial bodies (see point 2.3(b) above).

Depending on each specific case, the six-month time-limit will be counted from:

- the date of entry into force of a Regulation imposing a definitive duty and collecting amounts secured by way of a provisional duty, when provisional duties are being definitively collected,
- or
- the date of determination of the definitive anti-dumping duty, i.e. the date of notification of the customs debt by the customs authorities under Article 221 of the Community Customs Code,
- or
- where the correct amount of duties is established pursuant to a post-clearance check the latter date of determination of the duties payable applies.

(b) Date of submission of the application

When forwarding the application to the Commission, the Member State must indicate the date of submission of the application, i.e. the date on which the Member State's competent authority has effectively received the application.

For their own benefit, applicants should obtain evidence of the receipt of their application at the offices of the appropriate Member State. For instance:

- postal applications can be sent by registered mail accompanied by a form for acknowledgement of receipt,
- the date of receipt of a fax by the Member State's competent authority can be determined by reference to the date indicated on the successful transmission report and the fax journal,

⁽¹⁾ For computation of the time-limit, see Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time-limits (OJ L 124, 8.6.1971, p. 1).

— the date of a formal acknowledgement of receipt when the application is submitted by hand or electronically.

3.4. Evidence requested from the applicant

In order to enable the Commission to process the application, the applicant should enclose with its application submitted to the relevant Member State to the extent possible⁽¹⁾ the below evidence:

- (a) all invoice(s) and other documents on which customs procedures were based;
- (b) all customs documents identifying the import transactions for which a refund is sought, showing specifically the basis for determining the amount of the duties to be levied (the type, quantity and value of the goods declared and the rate of anti-dumping duty applied), as well as the precise amount of the anti-dumping duties levied;
- (c) declarations that:
 - (i) the duty collected has not been reimbursed by the exporting producer or by any third party;
 - (ii) the prices on which the application is based are genuine;
 - (iii) there is no compensatory arrangement made before, since or simultaneously with the sale(s) under consideration;
- (d) information on normal values and on export prices that show that the dumping margin of the exporting producer has decreased under the level of the duty in force or has been eliminated. This is especially required where the applicant is associated with the exporting producer.

If the applicant is not associated with the exporting producer, and if the relevant information is not immediately available, the application should contain a statement from the exporting producer that the dumping margin has been reduced or eliminated and that it will provide to the Commission all the relevant supporting data. This is the data on normal values and on export prices for a representative period during which its goods were exported to the Union. This period will be later determined by the Commission (see 4.1(a) below).

If the exporting producer is based in a non-market economy country, the normal value will be determined under Article 2(7)(a) of the basic Regulation unless the exporting producer receives a market economy treatment (MET) under Article 2(7)(c) (see 3.5 below for more information on the procedure regarding non-market economy countries);

- (e) corporate information relating to the applicant;
- (f) power of attorney if the application is submitted by a third party;
- (g) a list of import transaction for which a refund is claimed (for the convenience of the applicant a pre-form with the requested information is attached to this notice as Annex II);
- (h) proof of payment of anti-dumping duties for which a refund is claimed.

Copies of originals of invoices, customs entry forms and other such documents must be provided with a declaration of their authenticity from the applicant or its exporting producer as the case may be. In addition, such documents, or their translations, should be in one of the official languages of the Union.

The Commission will assess whether the application contains all of the information requested from the applicant. If need be, the Commission will notify the applicant of the information still to be submitted and will specify a representative period of time within which the requested evidence must be submitted. The Commission reserves the right to ask additional evidence that supports the application.

3.5. Evidence in case of exports from non-market economy countries

If a refund is requested for duties on exports from a non-market economy country and MET is not applied, normal value will be established under Article 2(7)(a) of the basic Regulation.

⁽¹⁾ Where information is not available at the moment of lodging the application such information must be submitted directly to the Commission, after the lodging.

If the normal value is determined on the basis of the price or constructed value in a market economy third country, the applicant should identify and seek the cooperation of a producer in an analogue country.

It should seek cooperation from the same companies which had cooperated in the original investigation, unless it can demonstrate that the use of other producers in the same country or the data of another analogue country is more appropriate.

If the applicant cannot obtain any cooperation, it can propose any other method under Article 2(7)(a) and provide the data necessary to calculate normal values on the basis of such other method. The applicant should provide satisfactory evidence that it has unsuccessfully sought cooperation from all the known producers of the product concerned.

If the applicant fails to provide data for the calculation of normal values in line with Article 2(7)(a) of the basic Regulation, within a reasonable period of time, the Commission shall reject the application due to lack of supporting evidence.

3.6. *Recurring applications*

As soon as the applicant is aware that it intends to submit more than one application for reimbursement of anti-dumping duties levied on the product concerned, it should notify the Commission. This information is requested in order for the Commission to structure the investigation in the most efficient and effective way.

4. **Assessing the merits of an application**

The Commission will contact the exporting producer and request information on its normal value and export prices for a given representative period. The application will only be considered *duly supported by evidence*⁽¹⁾ when all requested information and the completed questionnaires (including replies to any material deficiencies which may have been identified) have been received by the Commission.

(a) Representative period

For the purpose of determining the revised dumping margin, the Commission will specify the representative period which will normally include the date(s) of invoicing of the transaction(s) for which a reimbursement is sought. This period will normally cover a minimum of six months and include a short period prior to the date of invoicing of the first transaction by the exporting producer.

(b) Dumping questionnaires

Pursuant to Article 6(2) of the basic Regulation, the exporting producer of the applicant and, where appropriate, the related importer(s), will be asked to submit information concerning all their sales to the Union, and not only sales to the applicant, made during the representative period.

The information will be sought by means of a questionnaire sent to the applicant's exporting producer (and to any related importer in the Union) with replies due within 37 days.

The exporting producer may send confidential information directly to the Commission and not via the applicant. A non-confidential version of the reply to the questionnaire and of any other confidential information submitted should be provided in accordance with Article 19(2) of the basic Regulation. Such non-confidential information will be made available for inspection by interested parties.

(c) Market Economy Treatment

If the exporting producer is based in a non-market economy, it can apply for MET for the purposes of the refund investigation. In this case, it will have to submit all the requested information under Article 2(7)(c) of the basic Regulation.

If MET is granted to the exporting producer, the normal value will be established on the basis of its own prices and costs under Article 2(1) - (6) of the basic Regulation.

If MET is not granted, the normal value will be established under Article 2(7)(c) of the basic Regulation (see point (d) below).

The MET determination in a refund investigation has no prospective nature and will apply only for the purpose of determining the dumping margin during the refund representative period.

⁽¹⁾ See Article 11(8) fourth indent of the basic Regulation.

The granting of MET for the purposes of the refund investigation is regardless whether the exporting producer has already been granted MET in the original investigation, or if it has cooperated in the original investigation.

(d) Exports from non-market economy countries

If a refund is requested for duties on exports from a non-market economy and MET is not applied, normal value shall be established under Article 2(7)(a) of the basic Regulation (see point 3.5 for the necessary evidence to be provided by the applicant).

(e) Verification visits

Parties submitting information should be aware that the Commission may verify the information received through a verification visit under Article 16 of the basic Regulation.

4.1. *Analysis of merits*

(a) General methodology

The revised dumping margin will be established by comparing, for the representative period:

— the normal value(s),

— and the export price(s),

for the exported product(s) in question, in accordance with the relevant provisions of Article 2 of the basic Regulation.

Article 11(9) of the basic Regulation provides for the use of 'the same methodology as in the investigation which led to the duty, with due account being taken of Article 2 (*Determination of dumping*), and in particular paragraphs 11 and 12 thereof (*Use of weighted averages in calculating the dumping margin*), and of Article 17 (*Sampling*).'

The Commission may base the calculation of the revised dumping margin on a sample of the exporting producers, types of product or transactions concerned by the application(s), on the basis of Article 17 of the basic Regulation, in particular paragraph 3. The sampling will apply where the number of exporting producers, types of product or transactions concerned is so large that individual examinations would be unduly burdensome and prevent completion of the investigation in good time. This will be determined at the minimum over a period of 6 months counted from the date of lodging of the first request, or 12 months counted from the date of imposition of definitive measures, whichever is the later.

(b) Implementation of Article 11(10) of the basic Regulation

Where the export price is constructed under Article 2(9) of the basic Regulation, the Commission shall calculate it with no deduction for the amount of anti-dumping duties paid when conclusive evidence is provided that the duty is duly reflected in resale prices and the subsequent selling prices in the Union. The Commission will examine whether an increase in selling prices to independent Union customers between the original and the refund investigation period incorporates the anti-dumping duties.

(c) Use of review findings

When examining any application for refund, the Commission may decide at any time to initiate an interim review in accordance with Article 11(3) of the basic Regulation. The procedure regarding the application for refund will be suspended until the termination of the review.

The findings of the review investigation may only be used to determine the merits of a refund application provided that the date of invoicing of the transactions for which a refund is being claimed falls within the investigation period of the review.

(d) Extrapolation

Notwithstanding point (c) above, for purposes of administrative efficiency, the dumping margin established in any investigation may be extrapolated for import transactions submitted for refund not occurring in that investigation period. This is subject to the following conditions:

- extrapolation may only be implemented for a period immediately adjacent to a period which has been investigated,
- the maximum period for which investigation results might be extrapolated is six months,
- extrapolation may only be applied when the dumping margin has been calculated and established on the basis of a completed investigation,
- extrapolation will only be applied to a sum of duties which is relatively small in the context of the entire refund application.

4.2. *Non-cooperation*

In cases in which the applicant, the exporting producer or the producer in an analogue country (where applicable):

- supplies false or misleading information,
- or
- refuses access to relevant information or does not provide it within a reasonable period of time,
- or
- significantly impedes the investigation, including impeding the verification of the information to the extent deemed necessary by the Commission

the information will be disregarded and the Commission will have to conclude that the applicant did not meet its burden of proof obligations.

4.3. *Disclosure*

Once the investigation of the merits of the application is completed, the applicant will receive disclosure of the essential facts and considerations on the basis of which the Commission intends to adopt a decision on the refund application. The cooperating exporting producer(s) may only receive information on the treatment of their particular data, in particular the resulting calculations of normal value and export prices.

5. **Outcome**

5.1. *Excess amount to be repaid*

The excess amount to be reimbursed to the applicant will normally be calculated as the difference between the duty collected and the dumping margin established in the refund investigation, as an absolute sum.

5.2. *Payment*

The reimbursement should normally be paid by the Member State where anti-dumping duties were determined and later collected within 90 days of the date of the notification of the refund decision.

Whether or not any payment made after 90 days give rise to the payment of interest remains subject to the national legislation of each Member State.

5.3. *Revocation of a decision to reimburse*

Where it is subsequently found that a decision granting a refund has been adopted on the basis of false or incomplete information, such decision will be revoked retroactively. Indeed, the fact that a refund decision has been based on false or incomplete information amounts to the absence of an objective legal basis for this decision, which therefore deprives *ab initio* the applicant of the right to obtain a refund and justifies the revocation of the decision.

As a result of such revocation, the refunded amounts corresponding to the original anti-dumping duties will be re-collected.

Once the Commission has adopted a decision to revoke a refund, the Member State concerned ensures that this decision is correctly implemented, within its territory, by recovering the amounts unduly refunded under Article 11(8) of the basic Regulation.

The national authorities of the Member State concerned, when implementing such a decision, act in accordance with the procedural and substantive rules of their own national law. The application of the national law should not affect the scope and effectiveness of the Commission decision to revoke its former decision granting a refund.

5.4. *Transparency*

The non-confidential version of Commission decisions under Article 11(8) of the basic Regulation are published on the website of DG Trade.

ANNEX I

REFUND APPLICATION FORM ⁽¹⁾

BASIC INFORMATION

Applicant's name, address, contact details

Date of submission of application

Product concerned

CN Code

Date of first transaction

Is this a recurring application?

Yes No

If Yes:

Number of transactions covered
by this application

If No:

Date of last transaction

And

Total number of transactions

The undersigned applicant hereby claims for a refund of the following amount:

The undersigned applicant hereby declares that the dumping margin of his exporting producer(s) on the basis of which the above duties have been established has decreased or has been eliminated.

Signature

⁽¹⁾ An electronic version of this form is available on European Commission, DG Trade website
<http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>

EVIDENCE INFORMATION/DOCUMENTATION (*)

Number of Invoices included	<input type="text"/>
Number of Customs clearance documents	<input type="text"/>
Declaration of non-reimbursement by any third party	<input type="text"/>
Declaration that prices are genuine	<input type="text"/>
Declaration of no compensatory arrangements	<input type="text"/>
Information on Normal Value and Export Prices for previous six months <i>or</i> Statement from exporting producer(s) offering cooperation	<input type="text"/>
Corporate Information	<input type="text"/>
Power of Attorney (<i>optional</i>)	<input type="text"/>
List of import transactions	<input type="text"/>
Proof of payment of anti-dumping duties (such proof is not required if payment has been suspended by the competent national authority due to a contestation of the duties)	<input type="text"/>

(*) All documents submitted should be copies of the originals and the applicant or his exporting producer should testify to their authenticity. Furthermore, such documents or translations thereof should be in one of the official languages of the Union.

ANNEX II

IMPORT TRANSACTION TABLE ⁽¹⁾

a	b	c	d	e	f	g	h	i	j	k	l	m	n
Transaction #	Purchase invoice #	Purchase invoice date	Name of supplier/exporter	Name of producer in country of origin	Country of origin	Product type (name)	Product type (reference or model no)	Tariff/CN code	QTY purchased	Invoice value	Currency	Unit price	Date of payment of invoice
1													
2													
3													
4													
5													
6													

o	p	q	r	s	t	u	v	w	x	y	z	aa	ab
Payment reference	Exchange rate	Invoice value in currency of importer	Incoterms	Date of shipment	Freight amount	Customs record (SAD #)	Date duties duly established by customs	Customs value (basis for duty)	Currency	AD-duty rate (%)	AD-duty amount	Date of payment of duties	Payment reference

⁽¹⁾ An electronic version of this form is available on the European Commission, DG Trade website <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>.

Explanatory notes to the table:

a	Transaction #	Each transaction should be marked with a sequential number which should also be put on the supporting documents (e.g. invoice) concerned.
h	Product type reference, or model No	State the commercial reference number or code of the product.
s	Date of shipment	State the date on which the products were shipped by the supplier.
w	Customs value (basis for duty)	This should be the customs value as shown on the customs records. Normally the customs value is based on the invoice value plus freight/insurance expenses.
v	Date duties duly established by customs	This is the date on which the duties are determined by customs, which is, in normal cases the date of acceptance of the customs entry.
aa	Date of payment of duties	This is the date on which the duties were actually paid to the customs. Thus this should be the date on which the amount concerned was transferred from the company's bank account to the customs' bank account.
	Payment reference	Provide a reference to the invoice payment records (e.g. bank statement number and date).
	Currency	Please use ISO codes. A list of ISO codes is available on internet: http://publications.europa.eu/code/en/en-5000700.htm

Incoterms

EXW	Ex works
FCA	Free carrier
FAS	Free alongside ship
FOB	Free on board
CFR	Cost and freight
CIF	Cost, insurance and freight
CPT	Carriage paid to
CIP	Carriage and insurance paid to
DAF	Delivered at frontier
DES	Delivered ex ship
DEQ	Delivered ex quay (duty paid)
DDU	Delivered duty unpaid
DDP	Delivered duty paid

Notice of the impending expiry of certain anti-dumping measures

(2014/C 164/10)

1. As provided for in Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009⁽¹⁾ on protection against dumped imports from countries not members of the European Community, the Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below.

2. Procedure

Union producers may lodge a written request for a review. This request must contain sufficient evidence that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Union producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. Time limit

Union producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Unit H-1), N-105 8/20, 1049 Brussels, Belgium⁽²⁾ at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 1225/2009.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry ⁽¹⁾
Ring binder mechanisms	The People's Republic of China	Anti-dumping duty	Implementing Regulation of the Council (EU) No 157/2010 (OJ L 49, 26.2.2010, p. 1) extended to imports consigned from Vietnam by Council Regulation (EC) No 1208/2004 (OJ L 232, 1.7.2004, p. 1) and extended to imports consigned from the Lao People's Democratic Republic by Council Regulation (EC) No 33/2006 (OJ L 7, 12.1.2006, p. 1).	27.2.2015

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Fax +32 22956505.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.7247 — Fresenius SE & CO / Sistema JSFC / JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2014/C 164/11)

1. On 21 May 2014, 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 Fresenius Kabi Deutschland GmbH, an indirectly wholly owned subsidiary of Fresenius SE & Co. KGaA ('Fresenius', Germany), and Sistema JSFC ('Sistema', Russian Federation) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture, Fresenius Kabi Binnopharm GmbH & Co. KG ('Fresenius Kabi Binnopharm') by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for Fresenius: a health care group, active in the development, marketing and sales of medicines and technologies for infusion, transfusion and clinical nutrition, with main focus on dialysis treatments, including hospital care and medical care of patients at home, globally,
- for Sistema: an equity investment group active in the fields of telecommunications, oil, electric power, consumer goods, high tech, including biotechnology and pharmaceuticals, and other industries, mainly in the Russian Federation,
- for Fresenius Kabi Binnopharm: active in the fields of manufacture and distribution of pharmaceutical products, hepatitis B vaccines and a range of biotech medications as well as infusion and blood substitution solutions, parenteral and enteral nutrition and generic oncological treatments in the Russian Federation and Commonwealth of Independent States.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the 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 Council Regulation (EC) No 139/2004⁽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 e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number M.7247 — Fresenius SE & CO / Sistema JSFC / JV 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 'Merger Regulation').

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

OTHER ACTS

EUROPEAN COMMISSION

Notice for the attention of Al-Nusrah Front for the People of the Levant and Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad and which were added to the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network, by virtue of Commission Regulation (EU) No 583/2014

(2014/C 164/12)

1. Common Position 2002/402/CFSP⁽¹⁾ calls upon the Union to freeze the funds and economic resources of the members of the Al-Qaida organisation and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267(1999) and 1333(2000) to be updated regularly by the UN Committee established pursuant to UNSCR 1267(1999).

The list drawn up by this UN Committee comprises:

- Al Qaida;
- natural or legal persons, entities, bodies and groups associated with Al Qaida; and
- legal persons, entities and bodies owned or controlled by, or otherwise supporting, any of these associated persons, entities, bodies and groups.

Acts or activities indicating that an individual, group, undertaking, or entity is “associated with” Al-Qaida include:

- (a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of Al Qaida, or any cell, affiliate, splinter group or derivative thereof;
- (b) supplying, selling or transferring arms and related materiel to any of them;
- (c) recruiting for any of them; or
- (d) otherwise supporting acts or activities of any of them.

2. The UN Committee decided on 22 May 2014 to add Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad to the relevant list. Moreover, the UN Committee decided on 14 May 2014 to amend entries on the list resulting in the addition of the Al-Nusrah Front for the People of the Levant to the relevant list. The Al-Nusrah Front for the People of the Levant and Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad may submit at any time a request to the UN Ombudsperson, together with any supporting documentation, for the decision to include them in the UN list referred to above, to be reconsidered. Such request should be sent to the following address:

United Nations — Office of the Ombudsperson
Room TB-08041D
New York, NY 10017
UNITED STATES OF AMERICA
Tel. +1 2129632671
Fax +1 2129631300/3778
E-mail: ombudsperson@un.org

See for more information at <http://www.un.org/sc/committees/1267/delisting.shtml>

⁽¹⁾ OJ L 139, 29.5.2002, p. 4.

3. Further to the UN decision referred to in paragraph 2, the Commission has adopted Regulation (EU) No 583/2014⁽¹⁾, which amends Annex I to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network⁽²⁾. The amendment, made pursuant to Article 7(1)(a) and 7a(1) of Regulation (EC) No 881/2002, adds the Al-Nusrah Front for the People of the Levant and Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad to the list in Annex I of that Regulation ("Annex I").

The following measures of Regulation (EC) No 881/2002 apply to the individuals and entities included in Annex I:

- (1) the freezing of all funds and economic resources belonging to the individuals and entities concerned, or owned or held by them, and the prohibition (on everyone) on making funds and economic resources available to any of the individuals and entities concerned or for their benefit, whether directly or indirectly (Articles 2 and 2a⁽³⁾); and
- (2) the prohibition on granting, selling, supplying or transferring technical advice, assistance or training related to military activities to any of the individuals and entities concerned, whether directly or indirectly (Article 3).

4. Article 7a of Regulation (EC) No 881/2002⁽⁴⁾ provides for a review process where observations on the grounds for listing are submitted by those listed. Individuals and entities added to Annex I by Regulation (EU) No 583/2014 may make a request for the grounds for their listing to the Commission. This request should be sent to:

European Commission
"Restrictive measures"
Rue de la Loi/Wetstraat 200
1049 Bruxelles/ Brussel
BELGIQUE/BELGIË

5. The attention of the individuals and entities concerned is also drawn to the possibility of challenging Regulation (EU) No 583/2014 before the General Court of the European Union, in accordance with the conditions laid down in the fourth and sixth paragraphs of Article 263 of the Treaty on the Functioning of the European Union.

6. For good order, the attention of the individuals and entities included in Annex I is drawn to the possibility of making an application to the competent authorities in the relevant Member State(s), as listed in Annex II to Regulation (EC) No 881/2002, in order to obtain an authorisation to use frozen funds and economic resources for essential needs or specific payments in accordance with Article 2a of that Regulation.

⁽¹⁾ OJ L 160, 29.5.2014, p. 27.

⁽²⁾ OJ L 139, 29.5.2002, p. 9.

⁽³⁾ Article 2a was inserted by Council Regulation (EC) No 561/2003 (OJ L 82, 29.3.2003, p. 1).

⁽⁴⁾ Article 7a was inserted by Council Regulation (EU) No 1286/2009 (OJ L 346, 23.12.2009, p. 42).

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