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## Information and Notices

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<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

## II

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

## EUROPEAN COMMISSION

**Non-opposition to a notified concentration****(Case M.7781 — Marubeni-Itochu Steel/Sumitomo Corporation/MITS JV)****(Text with EEA relevance)**

(2015/C 376/01)

On 6 November 2015, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in the English language 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/homepage.html?locale=en>) under document number 32015M7781. EUR-Lex is the online access to European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

**Non-opposition to a notified concentration****(Case M.7729 — Willis Group/Towers Watson & Co)****(Text with EEA relevance)**

(2015/C 376/02)

On 6 November 2015, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>(1)</sup>. The full text of the decision is available only in English language 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/homepage.html?locale=en>) under document number 32015M7729. EUR-Lex is the on-line access to the European law.

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

Euro exchange rates <sup>(1)</sup>

12 November 2015

(2015/C 376/03)

## 1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0726	CAD	Canadian dollar	1,4293
JPY	Japanese yen	131,92	HKD	Hong Kong dollar	8,3132
DKK	Danish krone	7,4602	NZD	New Zealand dollar	1,6447
GBP	Pound sterling	0,70640	SGD	Singapore dollar	1,5246
SEK	Swedish krona	9,3009	KRW	South Korean won	1 245,87
CHF	Swiss franc	1,0769	ZAR	South African rand	15,2929
ISK	Iceland króna		CNY	Chinese yuan renminbi	6,8330
NOK	Norwegian krone	9,3240	HRK	Croatian kuna	7,6170
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	14 615,93
CZK	Czech koruna	27,031	MYR	Malaysian ringgit	4,6819
HUF	Hungarian forint	312,25	PHP	Philippine peso	50,475
PLN	Polish zloty	4,2270	RUB	Russian rouble	70,9230
RON	Romanian leu	4,4430	THB	Thai baht	38,528
TRY	Turkish lira	3,0938	BRL	Brazilian real	4,0793
AUD	Australian dollar	1,5073	MXN	Mexican peso	18,0004
			INR	Indian rupee	71,1282

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

**Opinion of the Advisory Committee on mergers given at its meeting of 16 April 2015 regarding a draft decision relating to Case M.7292 DEMB/Mondelēz/Charger OpCo**

**Rapporteur: Greece**

(2015/C 376/04)

**Concentration**

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)b and Article 3(4) of the Merger Regulation.
2. The Advisory Committee agrees with the Commission that the notified operation has a Union dimension pursuant to Article 1(2) of the Merger Regulation.

**Relevant Markets**

3. The Advisory Committee agrees with the Commission's definitions of the relevant product and geographic markets in the draft Decision.
4. In particular, the Advisory Committee agrees with the Commission's conclusions that for the purpose of assessing the proposed concentration:
  - 4.1. Sales via the in-home and Out-of-Home (OOH) channels form part of separate product markets;
  - 4.2. Private label and branded coffee products belong to the same product market irrespective of the coffee format;
  - 4.3. Single-serve coffee machines belong to a different product market than multi-serve coffee machines
  - 4.4. All single-serve coffee machines belong to one differentiated product market
  - 4.5. Roast&Ground (R&G) coffee constitutes a separate product market from other coffee formats
  - 4.6. Instant coffee constitutes a separate product market from other coffee formats.
  - 4.7. N-capsules constitute a separate product markets from other coffee formats.
  - 4.8. Filter pads constitute a separate product market from other coffee formats.
  - 4.9. The relevant geographic scope of all coffee product markets is national.

**Competitive Assessment — Horizontal non-coordinated effects**

5. The Advisory Committee agrees with the Commission that the proposed concentration, as originally proposed by the Notifying Parties, is likely to significantly impede effective competition in the internal market or a substantial part thereof in particular as a result of the creation of a dominant position:
  - 5.1. with respect to the horizontal overlap between the parties' activities on the R&G market in France;
  - 5.2. with respect to the horizontal overlap between the parties' activities on the R&G market in Denmark;
  - 5.3. with respect to the horizontal overlap between the parties' activities on the R&G market in Latvia;
  - 5.4. with respect to the horizontal overlap between the parties' activities on the filter pads market in France
  - 5.5. with respect to the horizontal overlap between the parties' activities on the filter pads market in Austria.
6. The Advisory Committee agrees with the Commission's assessment that the notified transaction would not lead to a significant impediment to effective competition:
  - 6.1. with respect to the horizontal overlap between the parties' activities on single-serve machines markets in Austria, Denmark, France, Germany, the Netherlands, Spain and the United Kingdom;

- 6.2. with respect to the horizontal overlap between the parties' activities on the R&G markets in the Czech Republic, Greece, Poland, Bulgaria, Hungary, the Netherlands and Spain;
- 6.3. with respect to the horizontal overlap between the parties' activities on the instant coffee markets in the Czech Republic, Denmark, Estonia, Greece, Hungary, Latvia, Lithuania, the Netherlands, Poland, Slovakia, Spain or the United Kingdom;
- 6.4. with respect to the horizontal overlap between the parties' activities on the filter pads markets in Germany and the Netherlands;
- 6.5. with respect to the horizontal overlap between the parties' activities on the OOH markets in Denmark, Germany, Sweden and the United Kingdom.

#### **Remedy**

7. The Advisory Committee agrees with the Commission that the commitments are sufficient to remove the concerns raised by the proposed concentration as to its compatibility with the internal market or a substantial part thereof:
  - 7.1. with respect to the horizontal overlap between the parties' activities on the R&G market in France;
  - 7.2. with respect to the horizontal overlap between the parties' activities on the R&G market in Denmark;
  - 7.3. with respect to the horizontal overlap between the parties' activities on the R&G market in Latvia;
  - 7.4. with respect to the horizontal overlap between the parties' activities on the filter pads market in France.
  - 7.5. with respect to the horizontal overlap between the parties' activities on the filter pads market in Austria.

#### **Compatibility with the internal market**

8. The Advisory Committee agrees with the Commission that, subject to full compliance with the commitments offered by the parties, and all commitments considered together, the proposed concentration is unlikely to significantly impede effective competition in the internal market or in a substantial part thereof.
  9. The Advisory Committee agrees with the Commission's view that the proposed concentration should be declared compatible with the internal market and the EEA Agreement in accordance with Articles 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.
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**Final Report of the Hearing Officer <sup>(1)</sup>****DEMB/Mondelēz/Charger OpCo****(M.7292)**

(2015/C 376/05)

**I. BACKGROUND**

1. On 27 October 2014, the European Commission (the 'Commission') received a notification of a proposed concentration by which Acorn Holdings BV ('Acorn'), the holding company of D.E. Master Blenders 1753 B.V. ('DEMB'), and Mondelēz International Inc. ('Mondelēz') will acquire joint control over a newly created company, Charger OpCo B.V. (the 'JV') within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation <sup>(2)</sup> by way of purchase of shares (the 'Proposed Transaction').
2. The JV will combine all the material assets of DEMB's and Mondelēz's coffee businesses. Acorn will hold [...] % of the JV's shares and Mondelēz will hold up to [...] % of the shares. Both Acorn and Mondelēz will have decisive influence over the JV. DEMB and Mondelēz are jointly referred to as the 'Parties'.
3. The Proposed Transaction has an EU dimension within the meaning of Article 1(2) of the Merger Regulation.

**II. PROCEDURE**

4. On 26 November 2014, the Parties submitted commitments to the Commission. The commitments were market tested and the Commission concluded that they were not sufficient to remove the Commission's serious doubts.
5. On 15 December 2014, the Commission preliminarily considered that the Proposed Transaction raised serious doubts as to its compatibility with the internal market and adopted a decision initiating proceedings pursuant to Article 6(1)(c) of the Merger Regulation.
6. The Parties submitted written comments on 9 January 2015.

**Extension of the time limit**

7. On 21 January 2015, the Commission, having received the agreement of the Parties, extended the time limit to review the Proposed Transaction by five working days in accordance with Article 10(3) of the Merger Regulation. The time limit was further extended by ten working days with the agreement of the Parties on 20 February 2015.

**Commitments**

8. On 23 February 2015, the Parties submitted commitments to the Commission. Following a market test on those commitments, the Parties provided a revised version of the commitments. On 20 March 2015, the Parties submitted final commitments.
9. On the basis of the final commitments, the draft decision declares the Proposed Transaction compatible with the internal market and the EEA Agreement.

**III. DRAFT DECISION**

10. Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which the Parties have been afforded the opportunity of making known their views. I conclude that it does.

<sup>(1)</sup> Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29) ('Decision 2011/695/EU').

<sup>(2)</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1) (the 'Merger Regulation').

11. I have not received any procedural request or complaint from any party. Overall, I conclude that all parties have been able to effectively exercise their procedural rights in this case.

Brussels, 23 April 2015.

Wouter WILS

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**Summary of Commission Decision**  
**of 5 May 2015**  
**declaring a concentration compatible with the internal market and the functioning of the EEA**  
**Agreement**

**(Case M.7292 — DEMB/Mondelēz/Charger OpCo)**

*(notified under document C(2015) 3000)*

**(only the English version is authentic)**

(2015/C 376/06)

*On 5 May 2015 the Commission adopted a Decision in a merger case under Council Regulation (EC) no 139/2004 on the control of concentrations between undertakings<sup>(1)</sup>, and in particular article 8(2) of that Regulation. A non-confidential version of the full decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: [http://ec.europa.eu/comm/competition/index\\_en.html](http://ec.europa.eu/comm/competition/index_en.html)*

**I. THE PARTIES**

- (1) D.E. Master Blenders 1753 ('DEMB') is an international coffee and tea company. DEMB is indirectly owned by Acorn Holdings BV ('Acorn'), which in turn is majority owned by JAB Holding Company sàrl.
- (2) Mondelēz International Inc. ('Mondelēz') was created from a spin-off of Kraft Foods Group in October 2012. It is a global snack company with a product offering including biscuits, chocolate, candy, cheese, powdered beverages, chewing gum and coffee.

**II. THE OPERATION**

- (3) On 27 October 2014 the Commission received a formal notification pursuant to Article 4 of the Merger Regulation by which Acorn and Mondelēz acquire joint control of Charger OpCo B.V. ('Charger' or 'JV'), a newly created company constituting a joint venture.

**III. THE PROCEDURE**

- (4) The transaction was notified to the Commission on 27 October 2014.
- (5) In the course of first phase proceedings, the Parties submitted commitments to the Commission on 26 November 2014. Based on a market investigation, including a market test of the proposed commitments, the Commission preliminarily considered that the transaction raised serious doubts as to its compatibility with the internal market and adopted a decision to initiate proceedings pursuant to Article 6(1)(c) of the Merger Regulation on 15 December 2014.
- (6) On 23 February 2015, the Parties submitted a second set of commitments to the Commission ('Phase II commitments'). On 25 February 2015 the Commission launched a market test to assess whether the Phase II commitments would be suitable to address the competition concerns identified by the Commission.
- (7) On 20 March 2015, the Parties submitted final commitments ('Final Commitments') that render the Transaction compatible with the internal market.

**IV. EXPLANATORY MEMORANDUM**

- (8) DEMB and Mondelēz are active in the manufacture and sale of coffee products both for the multi-serve (that is machines producing multiple portions of coffee at a time) and single-serve (that is machines producing one portion of coffee at a time) segments. Their activities overlap in relation to:
  - a) Out-of-home (OOH) sale of coffee products and services;
  - b) In-home coffee, within which the Parties' activities overlap in:
    1. Roast and Ground coffee (R&G) and whole beans;
    2. instant coffee;
    3. Consumables for single-serve coffee machines: (i) filter pads (consumables for Senseo machine) and (ii) capsules compatible with the Nespresso machines (N-capsules).

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

- (9) DEMB and Mondelēz do not directly sell single-serve machines (such as Tassimo or Senseo) and instead this is done by the machine manufacturers, such as Bosch for Tassimo and Philips for Senseo. Nevertheless, the Parties influence the prices of single-serve machines by offering cash-backs and coupons and are also heavily involved in the marketing and promotion of these machines. Therefore, the Commission analysed the effects of the Transaction on the markets for single-serve coffee machines as well as single-serve consumables. Given the close interaction between these two markets, the Commission also analysed the effects of the transaction on a wider single-serve systems level (which encompasses the markets for machines and consumables).

#### A. *Product market definitions*

##### *OOH vs. In-home*

- (10) Sales of coffee products and services via the OOH channel target a variety of customers, such as offices, hospitals, restaurants and bars. For these customers coffee manufacturers offer a tailor-made selection of their various coffee products and services (i.e. types of beverages, crockery and maintenance of machines) based on the individual customers' needs.
- (11) Although the available coffee formats tend to be broadly the same in both the OOH and the in-home channel, the Commission's investigations highlighted that OOH is a separate market from the in-home market given the presence of different customer groups, different products/services offered, partly different competitors, and different competitive dynamics (that is yearly negotiations with retailers for in-home as opposed to customised offers tailored to specific customer needs for OOH).
- (12) Within the in-home channel the Commission essentially concluded that different coffee formats belong to separate product markets (that is to say roast and ground, instant, filter pads and N-capsules). It also investigated two possible further segmentations which would affect all the coffee formats: (i) private labels vs. branded goods and (ii) conventional vs. non-conventional coffee.

##### *Private Label vs. branded coffee products*

- (13) Private Labels ('PL') are goods sold under retailer brands and are normally directly supplied by the retailers. The Commission's investigation pointed at the presence of a certain degree of competitive constraint between branded coffee and PL but also at some differences between the two. While the Commission considers that PL and branded coffee products, irrespective of the coffee format, belong to the same product market, it also concluded that the competitive pressure exercised by PL brands on the DEMB and Mondelēz brands varies from country to country and format to format.

##### *Conventional vs. Non-conventional coffee*

- (14) Non-conventional coffee (such as organic, fair trade coffee), is perceived as an alternative to conventional coffee by some of the consumers. Taking these consumer preferences into account and given some degree of supply-side substitutability, the Commission considers that it is not necessary to differentiate between conventional and non-conventional coffee.

##### *Single-serve systems*

- (15) DEMB owns the Senseo trademark and, together with Philips develops and markets the Senseo system. The consumables for Senseo machine are filter pads. Mondelēz owns the Tassimo trademark and, together with Bosch, develops and markets the Tassimo system. The consumables for Tassimo machine are T-discs. Therefore the term 'single-serve system' means a specific type of single-serve machine and the consumables compatible with this machine.
- (16) Each single-serve machine is based on a specific technology and it requires coffee consumables in a specific format. The actual coffee machine is manufactured by one or more electrical appliance manufacturers and the compatible consumables may also be manufactured by one or more coffee manufacturers depending on whether the system technology is open or closed (in other words, whether the relevant technology is still protected by intellectual property (IP) rights). Certain systems (such as Senseo and Nestlé's Nespresso) are 'open' or 'semi-open' systems, meaning that any competitor can start manufacturing compatible consumables for these systems. Other systems, like Tassimo and Nestlé's Dolce Gusto, are 'closed' systems, meaning that only the coffee manufacturer owning specific IP rights can manufacture the consumables for the closed system.
- (17) The Commission observes that the price and the choice of available consumables is one of the factors final consumers take into account when deciding which single-serve machine to purchase. Given the strong dependence of coffee companies on machine penetration and their consequent strong involvement in the marketing of the machines, the relevant markets for single-serve machines and consumables are inter-related.

- (18) In this light, the Commission considers the interplay between the relevant markets for single-serve machines and the markets for single-serve consumables in its competitive assessment. In particular and where appropriate, the Commission takes into account the transaction's effects on a wider segment for single-serve systems comprising both machines and consumables. At the same time, it does not appear necessary to define a distinct relevant market for single-serve systems, as the transaction's effects on competition between systems have been addressed in the assessment of the narrower markets for single-serve machines and consumables.

*Single-serve machines*

- (19) In the coffee machine sector the Commission concludes that multi-serve machines (i.e. drip filter coffee machines) are in a separate market from single-serve machines.
- (20) As to single-serve machines the Commission concludes that they all belong to one differentiated product market because they all share similar characteristics, important for the final consumers. They all produce a cup of hot beverage at one click, with consistent quality, in a fast, clean and convenient way.
- (21) While the Parties do not directly sell single-serve machines, they do influence their prices (by offering cash-backs, coupons etc.) and are involved in their marketing and promotion. Therefore the Commission assessed effects of the Transaction also on the market for single-serve machines.

*Consumables for single-serve machines*

- (22) DEMB and Mondelēz' activities overlap with respect to consumables for open or semi-open single-serve systems, that is Senseo (filter pads) and Nespresso (N-capsules).
- (23) Filter pads which are circular, flat, naturally permeable (like a traditional tea bag) and pre-packaged individual portions of R&G coffee for use in compatible machines to produce a single serving of coffee.
- (24) N-capsules are coffee capsules with a solid shell (in contrast with the soft permeable packaging of a filter pad). N-capsules produced and marketed by other coffee companies than Nestlé are referred to as compatible N-capsules. Nestlé sells its N-capsules in specialised boutiques or online, while compatible N-capsules are available on retailers' shelves.

*R&G coffee*

- (25) R&G consists of coffee beans that have been roasted, ground and are mostly used in multi-serve machines (for instance drip filter machines). R&G coffee comprises a wide variety of flavours, aromas and intensities, depending on the specific blend of coffee varieties and origins of the beans, and how long they are roasted. Within the R&G market, the Commission leaves open:
- whether whole beans are part of the same market as R&G;
  - whether Greek coffee is part of the same market as R&G;
- (26) The Commission also considers that given the wide range of blends between Arabica and Robusta commercially available, and the limited role that the composition of the blend plays in consumers' choices, it is not necessary to distinguish between Arabica and Robusta.

*Instant coffee*

- (27) Instant coffee (also called coffee powder or soluble coffee) is prepared by freeze-drying or spray-drying brewed coffee. Consumers can then re-hydrate the coffee by mixing it with hot water.

**B. Geographic market definitions**

- (28) In line with the Parties' submission, the results of the market investigation and previous cases, the Commission considers the geographic scope for each of the relevant product markets identified above to be national.

**C. Competitive assessment**

- (29) The Commission has reached the conclusion that the Transaction would lead to a significant impediment of effective competition in:
- the R&G markets in France, Denmark and Latvia and
  - the filter pad markets in Austria and France.

- (30) Moreover, the Commission has reached the conclusion that the Transaction would not significantly impede effective competition in the internal market in: (i) the single-serve machines market in the countries where both Tassimo and Senseo are present (that is Austria, Denmark, France, Germany, the Netherlands, Spain and the UK), (ii) R&G markets in the Czech Republic, Greece, Poland, Bulgaria, Hungary, the Netherlands and Spain, (iii) instant coffee markets in the Czech Republic, Denmark, Estonia, Greece, Hungary, Latvia, Lithuania, the Netherlands, Poland, Slovakia, Spain or the United Kingdom, (iv) filter pad markets in Germany and the Netherlands and (v) OOH markets in Denmark, Germany, Sweden and the UK.
- (31) For R&G in France the Transaction would merge the first and second largest market players. In 2014, the combined market share would have amounted to [50-60] %. The second market participant after the JV would be private label products with an aggregate market share of [20-30] % and the third market player would have only [0-5] % market share. The Parties are close competitors in French R&G and present across the whole spectrum of products and price points. Therefore, post-Transaction, the merged entity would be in a position to raise prices above competitive levels.
- (32) Similar arguments (high combined market share, insufficient constraint from other players, closeness of competition between the Parties' brands) apply for the assessment of the Transaction for R&G in Denmark and for R&G in Latvia. In both cases, post-Transaction, the merged entity would hold significant market power and be able to raise prices above competitive levels.
- (33) In filter pads in France, the Parties are close competitors and are also the two main market participants with a combined market share of [60-70] %, followed by PL with an aggregate market share of [20-30] % and the third market participant having only a [0-5] % market share. Therefore, post-Transaction, the merged entity would be in a position to raise prices above competitive levels.
- (34) Also in the market for filter pads in Austria the Parties are close competitors and have a very high combined market share of [70-80] %. The second player would be PL with an aggregate market share of [10-20] % and the third player would have only [0-5] % of the market. Therefore, post-Transaction, the merged entity would be in a position to raise prices above competitive levels.
- (35) For all the other markets analysed, the Commission concluded that the Transaction does not lead to a significant impediment to effective competition.
- (36) The Commission further assessed whether there might be competition concerns in relation to single-serve systems in the countries where both DEMB's Senseo and Mondelēz's Tassimo are currently sold (which are Austria, Denmark, France, Germany, the Netherlands, Spain and the UK). The Commission concluded that in all these countries the Transaction does not raise any competition concerns due to (i) the fact that Tassimo and Senseo are not each other's closest competitors, but rather, Tassimo competes most fiercely with Nestlé's Dolce Gusto, (ii) the importance of machine penetration, which implies that coffee companies will continue to promote aggressively single-serve machines and (iii) the fact that the overall single-serve segment is growing and dynamic with competitors vying for an opportunity to break the stronghold of the four key systems.

#### D. Remedies

- (37) The Final Commitments, which included modifications to take account of the results of the market test, include three main measures, each complemented by a number of transitional arrangements:
- the divestment of the brand Merrild in the EEA ('the Merrild Divestment Business');
  - the divestment of the brand Carte Noire in the EEA, including a production facility reconfigured to produce all the divested Carte Noire coffee products ('the Carte Noire Divestment Business'); and
  - a licence of the Senseo brand in Austria for 5 years followed by a 5 year black-out period ('the Austrian Licence').
- (38) The Merrild and Carte Noire divestments include the obligation for the purchaser to grant to the Parties a transitional licence in view of rebranding for specific products on which no competitive concerns were raised.

- (39) The Commission finds that the Merrill Divestment Business would remove more than the overlap in R&G coffee in Denmark and Latvia as Merrill's 2014 market share (Denmark: [20-30] %, Latvia: [20-30] %) was higher than the market share increment brought about by the Transaction (Denmark: [10-20] %, Latvia [10-20] %). It would therefore eliminate the competition concerns in Denmark and Latvia.
- (40) The Commission also concluded that the Carte Noire Divestment Business would, in France, remove more than the overlap brought about by the Transaction in R&G and would remove almost all of the overlap in relation to filter pads. In the opinion of the Commission, the Carte Noire Divestment Business will constitute a viable and competitive business that will be able to compete effectively with the Parties in the markets for R&G coffee and filter pads in France. It would therefore eliminate the competition concerns in France.
- (41) With regards to the Austrian Licence, the Commission found that the Austrian Licence would remove all the overlap in filter pads in Austria as Senseo's market share ([30-40] % in 2014) equals the market share increment brought about by the Transaction. A licence solution (as opposed to a divestment of a brand) is also justified by the fact that in Austria the Parties are active in filter pads with their main brands (Senseo and Jacobs), which are present also in a number of other countries and which collect the majority of their revenues from countries other than Austria.
- (42) Consequently, the Commission finds that following modifications by the Parties through the Final Commitments, the Transaction would not significantly impede effective competition in the internal market.

#### V. CONCLUSION

- (43) For the reasons mentioned above, the decision concludes that the concentration as modified by the commitments submitted on 20 March 2015 will not significantly impede effective competition in the internal market or in a significant part of it.
- (44) Consequently, the concentration should be declared compatible with the internal market and the EEA Agreement, in accordance with Articles 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.
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## NOTICES FROM MEMBER STATES

**Notification of the Austrian Government pursuant to Article 10(2) of Directive 2009/72/EC of the European Parliament and the Council ('Electricity Directive') concerning common rules for the internal market in electricity regarding the designation of Austrian Power Grid (APG), Vorarlberger Übertragungsnetz GmbH (VÜN) and Eneco Valcanale S.r.l. as transmission system operators in Austria**

(2015/C 376/07)

Following the Austrian regulatory authority's final decision of:

1. 12 March 2012, PA 947/12 and 19 March 2012, PA 1021/12 regarding the certification of Austrian Power Grid (APG) as Independent transmission operator (ITO);
2. 1 June 2012, PA 2284/12 regarding the certification of Vorarlberger Übertragungsnetz GmbH (VÜN) as Ownership Unbundled Transmission System Operator;
3. 22 April 2015, PA 911/15 regarding the certification of Eneco Valcanale S.r.l. as Independent transmission operator (ITO);

Austria has notified to the Commission the official approval and designation of these companies as a Transmission System Operator operating in Austria in accordance with Article 10 of the Electricity Directive of the European Parliament and the Council.

Any additional information can be obtained at the following address:

Federal Ministry of Science, Research and Economy  
Department of Energy and Mining  
Division Energy - Legal Affairs

E-mail: POST.III1@bmwfw.gv.at

Tel. +43 171100-3011

Internet: www.bmwfw.gv.at

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**Notification of the Austrian Government pursuant to Article 10(2) of Directive 2009/73/EC of the European Parliament and the Council ('Gas Directive') concerning common rules for the internal market in natural gas regarding the designation of Gas Connect Austria GmbH (GCA) and Trans Austria Gasleitung GmbH (TAG) as transmission system operators in Austria**

(2015/C 376/08)

Following the Austrian regulatory authority's final decision of:

1. 6 July 2012, PA 2782/12 and 18 July 2014, PA 1594/14 regarding the certification of Gas Connect Austria GmbH (GCA) as Independent transmission operator;
2. 18 July 2014, PA 1593/14 and 14 September 2015, PA 13199/15 regarding the certification of Trans Austria Gasleitung GmbH (TAG) as Independent transmission operator;

Austria has notified to the Commission the official approval and designation of these companies as a transmission system operator operating in Austria in accordance with Article 10 of the Gas Directive of the European Parliament and the Council.

Any additional information can be obtained at the following address:

Federal Ministry of Science, Research and Economy  
Department of Energy and Mining  
Division Energy — Legal Affairs

E-mail: POST.III1@bmwfw.gv.at

Tel. +43 171100-3011

Internet: www.bmwfw.gv.at

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## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

EUROPEAN COMMISSION

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

(2015/C 376/09)

Following the publication of a Notice of impending expiry<sup>(1)</sup> of the anti-dumping measures in force on the imports of certain polyethylene terephthalate originating in the People's Republic of China, 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<sup>(2)</sup> ('the basic Regulation').

**1. Request for review**

The request was lodged on 29 June 2015 by the Committee of Polyethylene Terephthalate (PET) Manufacturers in Europe (C.P.M.E.) ('the applicant') on behalf of producers representing more than 25 % of the total Union production of certain polyethylene terephthalate.

**2. Product under review**

The product subject to this review is polyethylene terephthalate having a viscosity number of 78 ml/g or higher, according to the ISO Standard 1628-5 and originating in the People's Republic of China ('the product under review'), currently falling within CN code 3907 60 20.

**3. Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EU) No 1030/2010<sup>(3)</sup>.

**4. Grounds for the review**

The request is based on the grounds that the expiry of the measures 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, the People's Republic of China ('the country concerned') is considered to be a non-market economy country, the applicant, in the absence of information on domestic prices, established normal value for the exporting producers from the People's Republic of China which were not granted market economy treatment during the investigation leading to the measures in force on the basis of a constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in a market economy third country, namely the United States of America ('USA'). For the companies which were granted market economy treatment during the investigation leading to the measures in force, in the absence of information on domestic prices, normal value has been established on the basis of a constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in the People's Republic of China. The allegation of likelihood of recurrence of dumping is based on a comparison of the normal value, as set out in preceding sentences, with the export

<sup>(1)</sup> OJ C 77, 5.3.2015, p. 8.

<sup>(2)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(3)</sup> Council Implementing Regulation (EU) No 1030/2010 of 17 November 2010 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 300, 17.11.2010, p. 1).

price (at ex-works level) of the product under review when sold for the Union as well as with the export price (at ex-works level) of the product under review when sold for export to third countries such as Russia, Ukraine, Japan, the USA and the Philippines.

On the basis of the above comparison, which shows dumping, the applicant alleges that there is a likelihood of recurrence of dumping from the country 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 *prima facie* evidence that, should measures be allowed to lapse, the current import level of the product under review from the country 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 country concerned.

The applicant also alleges that due to the trade defence measures taken, or to the recently initiated investigations in a number of third countries, a redirection of exports from those countries towards the Union market is likely to take place.

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 country 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 Committee established by Article 15(1) of the basic Regulation, that sufficient evidence exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11(2) of the basic Regulation.

The expiry review will determine whether the expiry of the measures would be likely to lead to a continuation or recurrence of dumping of the product under review originating in the country concerned and a continuation or recurrence of injury to the Union industry.

#### 5.1. ***Review investigation period and period considered***

The investigation of a continuation or recurrence of dumping will cover the period from 1 October 2014 to 30 September 2015 ('the review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury will cover the period from 1 January 2012 to the end of the investigation period ('the period considered').

#### 5.2. ***Procedure for the determination of a likelihood of a continuation or recurrence of dumping***

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

##### 5.2.1. *Investigating exporting producers*

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

###### (a) Sampling

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

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of the country concerned and may contact any known associations of exporting producers.

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



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 will be selected based on the largest representative volume of production, sales or exports which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

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

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

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').

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

##### 5.2.2.1. 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 country concerned 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 USA was used as a market economy third country for the purpose of establishing normal value in respect of the country concerned. For the purpose of the current investigation, the Commission envisages using again the USA. 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*. According to the information available to the Commission, other market economy suppliers of the Union may be located, inter alia, in the Republic of Korea, Egypt, Indonesia, Oman and Turkey. The Commission will examine whether there is production and sales of the product under review in those market economy third countries for which there are indications that production of the product under review is taking place.

##### 5.2.3. *Investigating unrelated importers* <sup>(1)</sup> <sup>(2)</sup>

Unrelated importers of the product under review from the country concerned 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 to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, 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 II to this Notice.

<sup>(1)</sup> Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

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

In order to 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.

### 5.3. **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.

#### 5.3.1. *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 to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in section 5.7 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.

### 5.4. **Procedure for the assessment of Union interest**

Should the likelihood of a 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.

### 5.5. **Other written submissions**

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

### 5.6. **Possibility to be heard by the Commission investigation services**

All interested parties may request to be heard by the Commission investigation services. Any request to be heard 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.

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

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

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 invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: [http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc\\_148003.pdf](http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf). The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate H  
Office: CHAR 04/039  
1040 Bruxelles/Brussel  
BELGIQUE/BELGIË

Email for dumping issues: [trade-pet-review-dumping@ec.europa.eu](mailto:trade-pet-review-dumping@ec.europa.eu)

Email for all other issues and the Annex: [trade-pet-review-injury@ec.europa.eu](mailto:trade-pet-review-injury@ec.europa.eu)

(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).

## 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.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

## 7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. 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/trade/trade-policy-and-you/contacts/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 in section 5.7 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 of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup>.

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<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.

## ANNEX I

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

**ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN POLYETHYLENE TEREPHTHALATE  
ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA**

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

This form is designed to assist exporting producers in the People's Republic of China in responding to the request for sampling information made in point 5.2.1.1 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	
Email address	
Telephone	
Fax	

**2. TURNOVER, SALES VOLUME, PRODUCTION AND PRODUCTION CAPACITY**

Indicate the turnover in the accounting currency of the company during the review investigation period (export sales to the Union for each of the 28 Member States <sup>(2)</sup> separately and in total and domestic sales) of certain polyethylene terephthalate as defined in the Notice of Initiation and the corresponding weight or volume. State the unit of weight or volume and the currency used.

Table I: Turnover, sales volume

	Specify the unit of measurement		Value in accounting currency Specify the currency used
	Total:	Name each Member State <sup>(1)</sup> :	
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 <sup>(1)</sup> :		
Export sales of the product under review, manufactured by your company to the rest of the world	Total:		
	Name the 5 biggest importing countries and give the respective volumes and values <sup>(1)</sup>		
Domestic sales of the product under review, manufactured by your company			

<sup>(1)</sup> Add additional rows where necessary.

<sup>(1)</sup> 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).

<sup>(2)</sup> 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.

Table II: production and production capacity

	Specify the unit of measurement
Your company's overall production of the product under review	
Your company's production capacity of the product under review	

### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES <sup>(1)</sup>

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:

\_\_\_\_\_

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

**ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CERTAIN POLYETHYLENE TEREPHTHALATE  
ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA**

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.2.3 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	
Email 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 <sup>(2)</sup> and resales on the Union market after importation from the People's Republic of China, during the review investigation period, of certain polyethylene terephthalate as defined in the Notice of Initiation and the corresponding weight or volume. State the unit of weight or volume used.

	Specify the unit of measurement	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 the People's Republic of China of the product under review		

<sup>(1)</sup> 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).

<sup>(2)</sup> 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 <sup>(1)</sup>

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:

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



PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

EUROPEAN COMMISSION

**Prior notification of a concentration**

**(Case M.7812 — Swiss Re Life Capital/Guardian Holdings Europe)**

**Candidate case for simplified procedure**

**(Text with EEA relevance)**

(2015/C 376/10)

1. On 6 November 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Swiss Re Life Capital Ltd ('SRLC', Switzerland), part of the Swiss Re Group ('Swiss Re', Switzerland), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of Guardian Holdings Europe Limited ('GHEL', Jersey), holding company for operations trading under the name Guardian Financial Services ('Guardian', the UK).

2. The business activities of the undertakings concerned are:

- for Swiss Re: global wholesale provider of reinsurance, insurance and other insurance-based forms of risk transfer for both life and non-life products,
- for SRLC: holding company,
- for GHEL: holding company,
- for Guardian: owner and manager of life assurance businesses in the UK and Ireland.

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 Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in this 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 M.7812 — Swiss Re Life Capital/Guardian Holdings Europe, to the following address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.

**Prior notification of a concentration****(Case M.7796 — Linamar/Montupet)****(Text with EEA relevance)**

(2015/C 376/11)

1. On 6 November 2015, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which Linamar Corporation ('Linamar', Canada) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Montupet SA ('Montupet', France) by way of public bid announced on 15 October 2015.

2. The business activities of the undertakings concerned are:

- for Linamar: machining, assembling and forging of precision metallic components, modules and systems for engines, and other parts designed for global vehicle and industrial markets,
- for Montupet: design and production of cast aluminium parts for the automotive industry.

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.

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 M.7796 — Linamar/Montupet, to the following address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

**Prior notification of a concentration**  
**(Case M.7840 — LetterOne Holdings/E.ON E&P Norge)**  
**Candidate case for simplified procedure**  
**(Text with EEA relevance)**  
(2015/C 376/12)

1. On 6 November 2015 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking DEA Deutsche Erdoel AG ('DEA Deutsche', Germany), an indirectly solely-controlled subsidiary of LetterOne Holdings S.A ('LetterOne', Luxembourg), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over E.ON E&P Norge AS ('E.ON E&P Norge', Norway).
2. The business activities of the undertakings concerned are:
  - LetterOne is a privately owned Luxembourg-based holding company focusing on investments, through its subsidiaries, in the energy and technology sectors,
  - E.ON E&P Norge is part of E.ON's global unit 'E.ON Exploration & Production' for worldwide oil and gas exploration and production activities. E.ON E&P Norge's activities are limited to the Norwegian shelf.
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 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in this 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 M.7840 — LetterOne Holdings/E.ON E&P Norge, to the following address:

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

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.









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