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⁽¹⁾ Text with EEA relevance.

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN COMMISSION

COMMISSION RECOMMENDATION

of 18 July 2018

**on guidance for the harmonised implementation of the European Rail Traffic Management System
in the Union**

(Text with EEA relevance)

(2018/C 253/01)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council⁽¹⁾ the European Union Agency for Railways ('the Agency') ensures the harmonised implementation and interoperability of the European Rail Traffic Management System ('ERTMS') in the Union. To that end, the Agency checks for compliance of the technical solutions envisaged with the relevant technical specifications for interoperability (TSIs) and gives its approval by means of a decision.
- (2) However, the approval process to be followed by the Agency and the applicants is not fully described.
- (3) In order to strengthen the legitimate expectations of the applicant in the approval process laid down in Article 19 of Directive (EU) 2016/797 and to facilitate the harmonised implementation of ERTMS in the Union, the applicant and the Agency should follow the guidance set out in this Recommendation.
- (4) In order to anticipate technical problems and facilitate the process for granting the authorisation for the placing in service of fixed installations established in Article 18 of Directive (EU) 2016/797, the National Safety Authorities ('NSAs') should be involved from the start of the approval process and should have access to the documents provided by the applicant.
- (5) Owing to the variety of contracts and tender types in ERTMS trackside subsystem, the Agency and the applicants should follow a process that covers all those contract types and at the same time ensures that the technical solutions envisaged are fully compliant with the relevant TSIs and are therefore fully interoperable.
- (6) An issue log established by the Agency should be used by the Agency and the applicant as a monitoring tool to identify and track at the earliest possible stage any potential issues impacting interoperability. The applicant should provide evidence of the resolution of the issues affecting interoperability.
- (7) The Agency should also use an anonymised issues list, as a tool for sharing experience and facilitating harmonised implementation in the field of ERTMS.

⁽¹⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union, (OJ L 138, 26.5.2016, p. 44).

- (8) The guidance on the approval process set out in this Recommendation should not overlap with the conformity assessment performed by the assessment bodies described in Directive (EU) 2016/797 and in the relevant TSIs. The Agency should ensure that the information on the verification of trackside European Train Control System (ETCS) equipment and Global System for Mobile Communications-Railway (GSM-R) equipment set out in Article 5 and point 6.1.2.3 to the Annex of Commission Regulation (EU) 2016/919 ⁽¹⁾ is made available in accordance with those provisions. That information should be assessed by the Agency as early as possible in order to anticipate any issues, minimise costs and reduce the duration of the approval process and ensure that the technical solution envisaged is interoperable.
- (9) In order to facilitate the approval process, the applicant should initiate a dialogue with the Agency before the formal submission of the application. During this 'initial engagement stage' the applicant and the Agency should reach an agreement on the schedule for the approval process including the respective deadlines taking into account the type of procurement and the authorisation process. The NSAs can collaborate and provide an opinion on the possible outcomes of the initial engagement.
- (10) The fees payable to the Agency after the initial engagement stage of the process should be laid down in Commission Implementing Regulation (EU) 2018/764 ⁽²⁾.
- (11) The rules of procedure of the Boards of Appeal should be laid down in Commission Implementing Regulation (EU) 2018/867 ⁽³⁾.
- (12) The guidance provided for in this Recommendation has been presented for an exchange of views to the Committee referred to in Article 51 of Directive (EU) 2016/797,

RECOMMENDS:

Section A: General provisions

1. That the applicant contact the Agency as soon as they plan a call for tender relating to ERTMS trackside equipment for which an Agency approval is needed;
2. That the applicant submit sufficiently detailed technical documents to enable the Agency to verify that the technical solutions foreseen to be implemented are fully interoperable;
3. That the Agency and the relevant NSA cooperate and share information in order to anticipate and address any technical concerns and therefore facilitate the task of the NSA regarding the authorisation for the placing in service of the subsystem. The NSA may give opinions through the one-stop shop referred to in Article 12 of Regulation (EU) 2016/796 (hereafter 'the one-stop shop') at any point in the process, including during the initial engagement stage, on the technical matters and on the planning;
4. That the information provided during the approval process be made available to the NSA;
5. That the applicant and the Agency follow the approval process composed of 3 stages:
 - (a) initial engagement;
 - (b) submission and verification of completeness of the file;
 - (c) assessment and decision;
6. That the applicant submit at the earliest stage possible, via the one-stop shop, the following application file necessary for the approval, including the description of the technical envisaged solution and the documentary evidence of the compliance of the technical envisaged solution with the relevant control-command and signalling TSI, as listed in Article 19 of Directive (EU) 2016/797:
 - (a) The draft tender specifications or the description of the envisaged technical solution
 - Project description, including the details of the line, group of lines, or network that are covered by the project or combination of projects: geographical location, number of kilometres in single and double track, ERTMS level, baseline and version, interoperability constituents and stations;

⁽¹⁾ Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the control-command and signalling subsystems of the rail system in the European Union (OJ L 158, 15.6.2016, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) 2018/764 of 2 May 2018 on the fees and charges payable to the European Union Agency for Railways and their conditions of payment (OJ L 129, 25.5.2018, p. 68).

⁽³⁾ Commission Implementing Regulation (EU) 2018/867 of 13 June 2018 laying down the rules of procedure of the Board(s) of Appeal of the European Union Agency for Railways (OJ L 149, 14.6.2018, p. 3).

- Evidence that the tender or contract or both include the relevant control-command and signalling TSI, the baseline and the version;
 - Project plan indicating deliverables, milestones and deadlines;
 - List of ERTMS functions to implement;
 - Engineering rules and operational tests scenarios, as referred to in Article 5 of Regulation (EU) 2016/919 and point 6.1.2.3 of the Annex to that Regulation;
 - Test strategy and test plans;
- (b) Documentary evidence of the conditions necessary for technical and operational compatibility of the subsystem with the vehicles intended to operate on the relevant network
- (c) Documentary evidence of the compliance of the envisaged technical solution with the relevant control-command and signalling TSI, and any other relevant documents, such as national safety authority opinions, declarations of verification or conformity certificates
- If available, a previous ERTMS trackside authorisation by an NSA relevant for the envisaged technical solutions submitted by the applicant;
 - If available, EC Certificates of conformity of the interoperability constituents and EC declaration of conformity of the interoperability constituents, including the Agency template for certification and deviations defined in the Agency guideline;
 - If available, Certificates of verification of the subsystem and, if applicable, intermediate statements of verification of design and EC declaration of verification of the subsystem, including the template for certification and deviations defined in the relevant Agency guideline;
 - Demonstration of how the risks impacting interoperability of each issue of the issue log have been addressed;
 - National rules related to ERTMS that are applicable to the project;
 - In case the applicant has an exemption from the application of one or more TSIs or parts of them, a document provided by the Member State granting the derogation, according to Article 7 of Directive (EU) 2016/797;
7. That each of the issues listed in the issue log, is classified in one of the following categories:
- (a) query;
 - (b) issue closed;
 - (c) issue closed with conditions;
 - (d) issue closed but it is unacceptable;
8. That the Agency suggest, through the one-stop shop, a list of issues in the issue log with the status 'query';
9. That the applicant provides evidence according to the agreed schedule referred to in point 17(b) and prior to the decision stage, showing that each of the issues identified in the issue log have been addressed;
10. That the Agency update the status of the issues in the issue log to the evidence submitted by the applicant to 'Issue closed', 'Issue closed with conditions' or 'Issue closed but it is unacceptable';

11. That the applicant and the NSA should be able to suggest additional issues to be included in the issue log;
12. That the Agency provide the applicant with guidance on how to prove evidence that the issues have been addressed in order to speed up the process and to avoid an unnecessary administrative work;
13. That the Agency publish an anonymised issue list, as a tool to share return of experience and facilitate the harmonised implementation of ERTMS trackside projects;

Section B: stage 1 — Initial Engagement

14. That the applicant, prior to formal submission of the application, engage in a dialogue with the Agency to facilitate the approval process;
15. That the initial engagement stage start before any call for tender relating to ERTMS trackside equipment and when the applicant informs the Agency of its intention to submit a request for approval;
16. That the initial engagement be confined to a limited number of discussions in which the applicant presents the intended project and the details of the technical solutions envisaged including, if available, the documents listed in point 6;
17. That the initial engagement stage be concluded with the signature of an arrangement between the Agency and the applicant which includes:
 - (a) the scope of the application;
 - (b) schedule, including the dates of:
 - (i) submission of each document listed in point 6;
 - (ii) updates of the issue log;
 - (iii) deadline for decision;
 - (c) the issue log;
18. That the NSA participate in the initial engagement stage and provide an opinion on the proposal for arrangements referred to in point 17;
19. That the applicant use the one-stop shop to register the documents listed in point 6;

Section C: stage 2 — Submission and verification of completeness

20. That the submission and verification of completeness stage follow the initial engagement stage when the applicant submits, through the one-stop shop, the request for a decision on approval;
21. That the applicant submit all the documents listed in point 6. If any of those documents was previously submitted through the one-stop shop, the applicant may identify these documents and confirm that those documents remain applicable to the project without any modification or addition. In the event of any modifications or additions to those documents the applicant must submit the updated documents;
22. That the Agency assess the completeness of the file submitted and verify that the file submitted has been uploaded in the one-stop shop, that it includes all the documents listed in point 6 and that none of the issues listed in the issue log has the status 'query';
23. That the Agency assess the relevance and consistency of the file submitted in relation to the documents listed in point 6 and to the arrangements agreed in the initial engagement and referred to in point 17;

24. That the Agency inform the applicant through the one-stop shop within a month of receipt of the formal submission in case the information provided is not complete, providing the relevant evidence and specifying the relevant additional documents to be submitted within the deadline agreed in the schedule during the initial engagement;
25. That when the Agency considers that the file is complete, relevant and consistent it informs the applicant accordingly through the one-stop shop;

Section D: stage 3 — Assessment and decision

26. That the assessment and decision stage follow the conclusion of the submission and verification of completeness stage;
27. That the Agency issue either a positive or negative decision within two months from the start of the assessment and decision stage on that part of the technical solutions that have not been previously covered by a positive decision for approval by the Agency;
28. That the Agency consider any opinion made by the national safety authority on the request for approval;
29. That the Agency issue a positive decision if stage 2 is successfully completed and all the issues listed in the issue log have the status 'issue closed';
30. That the Agency issue a negative decision if one or more issues listed in the Issue Log have the status 'issue closed but unacceptable' or if the assessment of stage 2 is finished but the file is not considered complete, relevant and/or consistent;
31. That the Agency issue a positive decision with conditions in the following cases:
 - (a) one or more issues listed in the issue log have the status 'closed with conditions'; and
 - (b) no issue has the status 'closed but it is not acceptable';
32. That the Agency provide an explanation of the conditions that need to be fulfilled by the applicant at a later stage and considered by the NSA and a summary of the final issues as recorded in the issue;
33. That, in case a condition set out in the positive decision of the Agency cannot be met by the applicant, the NSA recommend the applicant:
 - (a) to re-submit a request for the Agency's approval. In this case, the applicant identifies the documents from a previous request for the Agency's approval that are still valid and the Agency does not repeat the assessment of those documents;
 - (b) to apply Article 30(2) of Regulation (EU) 2016/796. In this case, the Agency offers that it will update the issue log in the one-stop shop.
34. That where the Agency issues a negative decision the applicant be entitled to rectify the project design, submit a new application, indicate the parts of the project that remain unchanged and the documents and evidence that still apply;
35. That, where the applicant submits a reasoned request to the Agency to review its decision pursuant to Article 19(5) of Directive (EU) 2016/797, that request be made through the one-stop shop and be accompanied by a detailed justification of the issues which the applicant considers not to have been properly assessed by the Agency. The Agency should confirm or review its decision focusing on the issues highlighted in that justification. The findings of the review should be communicated to the applicant, through the one-stop shop, within two months from the date of the applicant's request;
36. That the Agency provide the applicant with an appropriate justification where it confirms its initial negative decision;

37. That the applicant be entitled to bring an appeal before the Board of Appeal established under Article 55 of Regulation (EU) 2016/796 when the Agency confirms its initial negative decision.

Done at Brussels, 18 July 2018.

For the Commission
Violeta BULC
Member of the Commission

IV

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

COUNCIL

COUNCIL DECISION

of 16 July 2018**appointing one member of the Management Board of the European Chemicals Agency***(2018/C 253/02)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Article 79 thereof,

Whereas:

- (1) Article 79 of Regulation (EC) No 1907/2006 provides that the Council is to appoint one representative from each Member State as member of the Management Board of the European Chemicals Agency ('the Management Board').
- (2) By its Decision of 11 May 2015 ⁽²⁾, the Council appointed 15 members of the Management Board.
- (3) The Maltese Government has informed the Council of its intention to replace the Maltese representative on the Management Board and has submitted a nomination for a new representative, who should be appointed for a period which runs until 31 May 2019,

HAS ADOPTED THIS DECISION:

Article 1

Ms Ingrid BORG, Maltese, born on 8 April 1981, is hereby appointed member of the Management Board in place of Mr Edward XUEREB for the period from 16 July 2018 to 31 May 2019.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Council Decision of 11 May 2015 appointing 15 members of the Management Board of the European Chemicals Agency (OJ C 161, 14.5.2015, p. 2).

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 16 July 2018.

For the Council

The President

J. BOGNER-STRAUSS

COUNCIL DECISION
of 16 July 2018
renewing the Governing Board of the European Centre for the Development of Vocational Training
(2018/C 253/03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EEC) No 337/75 of 10 February 1975 establishing the European Centre for the Development of Vocational Training ⁽¹⁾, and in particular Article 4 thereof,

Having regard to the lists of nominees submitted to the Council by the Governments of the Member States as regards their representatives, and by the Commission as regards the employees' and employers' representatives,

Whereas:

- (1) By Decisions of 14 July 2015 ⁽²⁾ and 14 September 2015 ⁽³⁾, the Council appointed the members of the Governing Board of the European Centre for the Development of Vocational Training (the 'Centre') for the period from 18 September 2015 to 17 September 2018.
- (2) The members of the Governing Board of the Centre should be appointed for a period of three years,

HAS ADOPTED THIS DECISION:

Article 1

The following persons are hereby appointed members of the Governing Board of the European Centre for the Development of Vocational Training for the period from 18 September 2018 to 17 September 2021:

I. GOVERNMENT REPRESENTATIVES:

Belgium (rota system)	Flemish Community: Ms Nathalie VERSTRAETE French Community: Mr Guibert DEBROUX
Czech Republic	Ms Marta STARÁ
Denmark	Ms Lise Lotte TOFT
Germany	Mr Peter THIELE
Estonia	Ms Rita SIILIVASK
Ireland	Ms Selen GUERIN
Greece	Mr Pafsanias-Andreas PAPAGEORGIU
France	Ms Nadine NERGUISIAN
Croatia	Ms Vesna HRVOJ-ŠIĆ
Cyprus	Mr George PANAYIDES
Latvia	Ms Rūta GINTAUTE-MARIHINA
Lithuania	Mr Saulius ZYBARTAS
Hungary	Ms Krisztina TOMORNÉ VUJKOV

⁽¹⁾ OJ L 39, 13.2.1975, p. 1.

⁽²⁾ Council Decision of 14 July 2015 renewing the Governing Board of the European Centre for the Development of Vocational Training (OJ C 232, 16.7.2015, p. 2).

⁽³⁾ Council Decision of 14 September 2015 renewing the Governing Board of the European Centre for the Development of Vocational Training (OJ C 305, 16.9.2015, p. 2).

Malta	Mr Vince MAIONE
Netherlands	Mr Peter van IJSSELMUIDEN
Austria	Mr Eduard STAUDECKER
Poland	Mr Piotr BARTOSIAK
Romania	Ms Felicia Ioana SĂNDULESCU
Slovenia	Ms Slavica ČERNOŠA
Finland	Mr Kari NYSSÖLÄ
Sweden	Ms Carina LINDÉN
United Kingdom	Ms Ann MILLER

II. REPRESENTATIVES OF EMPLOYEES' ORGANISATIONS:

Belgium	Ms Françoise WIBRIN
Bulgaria	Ms Yuliya SIMEONOVA
Czech Republic	Mr Petr PEČENKA
Denmark	Mr Erik SCHMIDT
Germany	Mr Mario PATUZZI
Estonia	Ms Kaja TOOMALU
Ireland	Mr Frank VAUGHAN
Greece	Mr Georgios CHRISTOPOULOS
Spain	Mr Juan-Carlos MORALES
France	Ms Christine SAVANTRE
Croatia	Ms Katarina RUMORA
Italy	Ms Milena MICHELETTI Mr Fabrizio DACREMA (as from November 2018)
Latvia	Ms Linda ROMELE
Luxembourg	Mr Jean-Claude REDING
Malta	Ms Elaine GERMANI
Netherlands	Ms Isabel COENEN
Austria	Ms Isabelle OURNY
Poland	Ms Dagmara IWANCIW
Portugal	Mr José CORDEIRO

Slovenia	Ms Sanja LEBAN TROJAR
Slovakia	Ms Petronela KURAJOVÁ
Finland	Ms Kirsi RASINAHO
Sweden	Ms Ann-Sofi SJÖBERG
United Kingdom	Ms Kirsi-Marja KEKKI

III. REPRESENTATIVES OF EMPLOYERS' ORGANISATIONS:

Belgium	Ms Anneleen BETTENS
Czech Republic	Mr Miloš RATHOUSKÝ
Denmark	Mr Alex HOOSHIAR
Germany	Ms Barbara DORN
Estonia	Ms Anneli ENTSON
Ireland	Mr Tony DONOHOE
Greece	Mr Christos IOANNOU
France	Ms Siham SAIDI
Cyprus	Ms Maria STYLIANOU THEODORU
Latvia	Ms Ilona KIUKUCANE
Hungary	Ms Adrienn BÁLINT
Malta	Mr Joe FARRUGIA
Austria	Mr Gerhard RIEMER
Poland	Mr Andrzej STĘPNIKOWSKI
Portugal	Ms Ana Maria SANTOS GOUVEIA LOPES
Romania	Mr Julian GROPOSILA
Slovenia	Mr Simon OGRIZEK
Slovakia	Mr Martin HOŠTÁK
Finland	Ms Mirja HANNULA
Sweden	Mr Pär LUNDSTRÖM
United Kingdom	Mr Graham LANE

Article 2

The Council shall appoint members who have not yet been nominated at a later date.

Article 3

This Decision shall enter into force on the day of its adoption.

Article 4

This Decision shall be published, for information, in the *Official Journal of the European Union*.

Done at Brussels, 16 July 2018.

For the Council

The President

J. BOGNER-STRAUSS

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

18 July 2018

(2018/C 253/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1611	CAD	Canadian dollar	1,5389
JPY	Japanese yen	130,92	HKD	Hong Kong dollar	9,1141
DKK	Danish krone	7,4544	NZD	New Zealand dollar	1,7175
GBP	Pound sterling	0,89118	SGD	Singapore dollar	1,5883
SEK	Swedish krona	10,3120	KRW	South Korean won	1 316,94
CHF	Swiss franc	1,1611	ZAR	South African rand	15,5060
ISK	Iceland króna	124,40	CNY	Chinese yuan renminbi	7,8042
NOK	Norwegian krone	9,5023	HRK	Croatian kuna	7,3928
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 725,65
CZK	Czech koruna	25,853	MYR	Malaysian ringgit	4,7071
HUF	Hungarian forint	323,94	PHP	Philippine peso	62,163
PLN	Polish zloty	4,3103	RUB	Russian rouble	73,3067
RON	Romanian leu	4,6560	THB	Thai baht	38,734
TRY	Turkish lira	5,6121	BRL	Brazilian real	4,4804
AUD	Australian dollar	1,5794	MXN	Mexican peso	22,0778
			INR	Indian rupee	79,6840

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

Code of Best Practices for the conduct of State aid control procedures

(2018/C 253/05)

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1. SCOPE AND PURPOSE OF THE CODE

1. Over recent years, the Commission has implemented a State Aid Modernisation agenda ('SAM') to focus its State aid control on measures which genuinely affect competition in the Internal Market, while at the same time simplifying and streamlining rules and procedures. This has facilitated public investments, by empowering Member States to grant public support without prior scrutiny by the Commission and by speeding up decision-making in State aid procedures.
2. The Commission has, in particular, adopted:
 - A Notice on the Notion of State Aid ('NoA')⁽¹⁾ clarifying the types of public support that do not involve State aid. This is the case, for example, for funding of economic activities on market terms, investments in infrastructure such as railways, motorways, inland waterways and water distribution systems which do not compete with similar infrastructures, investments in small-scale infrastructures and funding of essentially local services.
 - A General Block Exemption Regulation ('GBER')⁽²⁾ allowing Member States to implement a wide range of State aid measures without prior Commission approval which are unlikely to distort competition. More than 97 % of newly implemented State aid measures fall under the GBER and, therefore, are implemented without prior Commission approval⁽³⁾.
 - A revised Procedural State Aid Regulation, including rules on complaint-handling and on market information tools to target State aid control on cases which are most liable to distort competition in the Internal Market⁽⁴⁾.
 - A series of decisions in specific cases confirming that Member States can support many small-scale projects without State aid control, due to their local nature and very limited impact on the Internal Market⁽⁵⁾.
3. The effort to focus and streamline EU State aid rules is continuing. In the context of the Multiannual Financial Framework 2021-2027, the Commission has proposed a revision of the EU State aid Enabling Regulation to make it easier (i) to combine EU Funding which is paid in the form of financial instruments with Member States funding and (ii) streamline the conditions for Member States to support certain projects under EU structural and investment funds⁽⁶⁾.
4. To make the most of those modernised State aid rules, this Communication ('Best Practices Code') provides guidance to Member States, aid beneficiaries and other stakeholders, on how State aid procedures work in practice⁽⁷⁾. It aims to make State aid procedures as transparent, simple, clear, predictable and timely as possible. It replaces the Notice on a Code of Best Practices adopted in 2009⁽⁸⁾ and integrates the Simplified Procedure Notice of 2009⁽⁹⁾.

⁽¹⁾ Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (OJ C 262, 19.7.2016, p. 1).

⁽²⁾ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1), as further amended by Commission Regulation (EU) 2017/1084 of 14 June 2017 amending Regulation (EU) No 651/2014 as regards aid for port and airport infrastructure, notification thresholds for aid for culture and heritage conservation and for aid for sport and multifunctional recreational infrastructures, and regional operating aid schemes for outermost regions and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs (OJ L 156, 20.6.2017, p. 1).

⁽³⁾ Commission State Aid Scoreboard 2017, Results, trends and observations regarding EU28 State Aid expenditure reports for 2016, 29.11.2017, p. 14.

⁽⁴⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.9.2015, p. 9).

⁽⁵⁾ See Commission Press Release, State aid: Commission gives guidance on local public support measures that do not constitute State aid, IP/16/3141, 21 September 2016; Commission Press Release, State Aid: Commission gives guidance on local public support measures that can be granted without prior Commission approval, IP/15/4889, 29 April 2015.

⁽⁶⁾ Commission Proposal for a Council Regulation amending Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid, COM/2018/398 final - 2018/0222, 6.6.2018.

⁽⁷⁾ Since a significant part of the measures covered by Simplified Procedure Notice are now exempted from State aid notification and the use of that procedure is thus very limited, the Simplified Procedure Notice has been integrated into the present Best Practices Code.

⁽⁸⁾ Commission Notice on a Code of Best Practice for the conduct of State aid control procedures (OJ C 136, 16.6.2009, p. 13).

⁽⁹⁾ Commission Notice on a Simplified procedure for the treatment of certain types of State aid (OJ C 136, 16.6.2009, p. 3).

5. To achieve the goals pursued by this Communication and to ensure the correct and efficient application of the State aid rules, Member States and the Commission should closely cooperate as partners. In this context, the Commission services will continue to offer pre-notification contacts concerning potential State aid measures that the Member States are considering implementing. They will work with the Member States to define priorities with regard to the procedural handling of cases. Furthermore, they will have in place a network of country coordinators and offer support to Member States in the form of guidance and training on the application of the State aid rules. As part of stepping up its effort to strengthen its cooperation and partnership with Member States, the Commission services will encourage them to share experiences with it and each other on best practices and challenges encountered in applying the State aid rules.
6. This Best Practices Code also seeks to improve the procedure for dealing with State aid complaints. It clarifies the conditions under which the Commission services will consider a case to be a formal complaint and provides indicative deadlines for the handling of formal complaints.
7. The specific features of an individual case may however require an adaptation of, or deviation from this code. The specificities of the fishery and aquaculture sectors and of the activities in the primary production, marketing or processing of agricultural products may also justify a deviation from this code.

2. RELATIONSHIP TO EU LAW

8. This code describes and clarifies the procedures followed by the Commission services when assessing State aid cases. It does not provide an exhaustive overview of EU State aid rules, but should rather be read together with all other documents containing those rules. The code does not create any new rights in addition to those laid down in the Treaty on the Functioning of the European Union ('the Treaty'), the Procedural Regulation⁽¹⁾ and the Implementing Regulation⁽²⁾ and their interpretation by the EU Courts. It also does not alter those rights in any way.

3. PRE-NOTIFICATION

3.1. Objectives

9. The Commission services invite the Member States to contact them before formally notifying potential State aid measures to the Commission ('pre-notification contacts'). These 'pre-notification contacts' have several objectives.
10. First, during these pre-notification contacts, the Commission services and the Member State can discuss what information is needed for the notification of the State aid measure in question to be considered as complete. Thus, pre-notification contacts generally lead to better and more complete notifications. This in turn speeds up the handling of such notifications, generally allowing the Commission to adopt decisions within 2 months of the date of notification⁽³⁾.
11. Second, during the pre-notification contacts, the Commission services and the Member State can discuss the legal and economic aspects of a proposed measure in an informal and confidential⁽⁴⁾ manner before it is formally notified. In particular, the pre-notification phase can provide an opportunity to address those aspects of a proposed measure that might not be fully in line with the State aid rules, including in cases where significant changes to the measure are necessary.
12. Third, during the pre-notification phase the Commission services will make a first assessment of whether or not a case qualifies for application of the streamlined procedure (see Section 6).

⁽¹⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.9.2015, p. 9).

⁽²⁾ Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, as last amended by Commission Regulation (EU) 2015/2282 of 27 November 2015 (OJ L 325, 10.12.2015, p 1).

⁽³⁾ See Article 4(5) referring to decisions under Articles 4(2), 4(3) and 4(4) of the Procedural Regulation. That deadline cannot be respected where the Commission's services has to issue several requests for information due to incomplete notifications.

⁽⁴⁾ Based on Article 30 of the Procedural Regulation the Commission is bound by professional secrecy in all State aid proceedings. This is backed by the general obligation of professional secrecy laid down in Article 339 of the Treaty.

3.2. Scope

13. The Commission services will engage in pre-notification contacts whenever a Member State requests them. The Commission services strongly recommends that Member States engage in such contacts in cases which have novel aspects or features or complexity which justify prior informal discussions with the Commission services. Pre-notification contacts can also be useful for projects of common interest with high EU relevance, such as the Trans-European Network for Transport (TEN-T) core network projects, to the extent that their funding is likely to constitute State aid.

3.3. Timing

14. To ensure that the pre-notification contacts are efficient, Member States should provide the Commission services with all information necessary for assessing a proposed State aid measure, in the form of a draft notification. Informal pre-notification contacts will then take place typically by email, telephone or conference call to speed up the process. Where necessary, or at the request of the Member State, meetings between the Commission services and the Member State may also take place.
15. For particularly complex cases (such as those on restructuring aid, or large or complex individual aid measures), the Commission services recommend that Member States initiate pre-notification contacts as early as possible to allow for a fruitful discussion. Such contacts can also be useful in some seemingly less problematic cases, in order to validate Member States' own initial assessment and establish the information the Commission services would need to assess the case.
16. The timing and format of pre-notification contacts largely depend on the complexity of the case. Although such contacts may last several months, they should, as a general rule, not last more than 6 months.
17. After the conclusion of the pre-notification contacts, the Member State should be able to submit a complete notification. In cases where the Commission services consider that pre-notification contacts do not bring satisfactory results, they may close the pre-notification phase. This does not prevent the Member State from pre-notifying or notifying a similar measure again.

3.4. Content

18. Based on its experience, especially in cases with major technical, financial and project-related implications, the Commission recommends involving the beneficiaries of individual measures in pre-notification contacts. Nevertheless, the decision on whether or not to involve the beneficiary rests with the Member State.
19. For measures involving several Member States (for instance, important projects of common European interest), the participating Member States are generally encouraged to discuss between themselves before initiating pre-notification contacts, to ensure a consistent approach to the measure and to establish a realistic timeline.
20. The Commission services will try to provide the Member State with an informal preliminary assessment of the measure at the end of the pre-notification phase. That preliminary assessment comprises non-binding guidance from the Commission services on the completeness of the draft notification and an informal and non-binding assessment⁽¹⁾ of whether the measure constitutes State aid and whether or not it is compatible with the internal market.
21. In particularly novel or complex cases, the Commission services might not provide an informal preliminary assessment at the end of the pre-notification phase. In such cases, at the request of the Member State, they may indicate in writing what information still needs to be provided to enable them to carry out an assessment of the measure.
22. Pre-notification contacts are voluntary and confidential. They do not affect the assessment of the case after its formal notification. In particular, the fact that pre-notification contacts have taken place does not mean that the Commission services cannot request the Member State to provide further information after the formal notification.

⁽¹⁾ Thus, it does not constitute or prejudice an official position of the Commission.

4. CASE PORTFOLIO APPROACH AND MUTUALLY AGREED PLANNING

4.1. Case portfolio approach

23. Member States may ask the Commission services to treat cases that they consider of priority with more predictable timelines. To that end, they can participate in the 'portfolio exercise' offered by the Commission services. Twice per year ⁽¹⁾, the Commission services will ask the Member States to inform them which notified cases in their portfolio they consider to be of high or low priority. If they wish to participate in the exercise, Member States should reply to the request within the given timeline. Once it has received that information, and with due regard to available resources and other pending cases involving the Member State making the request, the Commission services may propose a Mutually Agreed Planning for those cases to ensure they are dealt with promptly and predictably.

4.2. Mutually Agreed Planning

4.2.1. Objective and content

24. Mutually Agreed Planning is a tool which can be used to increase the transparency and predictability of the likely duration of a State aid investigation. This tool allows the Commission services and the Member State to agree on the expected timeline of an investigation in a specific case, and in some cases also on the likely course of the investigation. This can be particularly useful in cases which have novel aspects, which are related to TEN-T core network projects or which are technically complex, urgent or sensitive.

25. In particular the Commission services and the Member State could agree on the following:

- Priority treatment of the case as part of the portfolio exercise. Where necessary for planning or resource purposes ⁽²⁾, priority treatment can be granted in return for the Member State's formal acceptance of the suspension or the extension of the time limit of the examination ⁽³⁾ of other cases from its portfolio.
- Which information ⁽⁴⁾ the Member State and/or the intended aid beneficiary should provide to the Commission services, and which type of unilateral information-gathering the Commission services intend to use in the case.
- The likely form and duration of the assessment of the case by the Commission services after its notification.

26. If the Member State promptly provides all information agreed upon, the Commission services will endeavour to comply with the mutually agreed time frame for their investigation of the case. Nevertheless, it may not be possible to work within that time frame in cases where the information provided by the Member State or third parties raises further issues.

4.2.2. Scope and timing

27. Mutually Agreed Planning will, in particular, be used in cases which involve very novel aspects, or are technically difficult or sensitive. In these cases, Mutually Agreed Planning will take place at the end of the pre-notification phase, and be followed by the formal notification.

28. Mutually Agreed Planning can also take place at the beginning of the formal investigation procedure. In such cases, the Member State should request Mutually Agreed Planning for further treatment of the case.

⁽¹⁾ Currently at the end of January and the end of September of each year.

⁽²⁾ For instance, in cases where the financial institutions of the European Union act as holding fund.

⁽³⁾ See Article 4(5) of the Procedural Regulation.

⁽⁴⁾ For example studies or external expertise.

5. THE PRELIMINARY EXAMINATION OF NOTIFIED MEASURES

5.1. Requests for information

29. The Commission services start their preliminary examination of each notified measure when they receive its notification. If they need further information after an aid measure has been notified, they will send a request for information to the Member State. Because the Commission services try to group requests for information and because pre-notification contacts should ensure that Member States submit complete notifications ⁽¹⁾, one comprehensive request for information will generally be enough. The request explains which information is needed and will normally be sent within 4 weeks following the formal notification.
30. After receiving the Member State's response, the Commission services may raise additional questions depending on the content of the answers and on the nature of the case. This does not necessarily mean that the Commission has serious difficulties in assessing the case.
31. If the Member State does not provide the requested information within the deadline, the Commission services will send a reminder. If, after one reminder, the Member State still does not send the information, the Commission services will inform the Member State that the notification is considered as withdrawn ⁽²⁾, unless there are exceptional circumstances. If a notification is considered to have been withdrawn, the Member State may subsequently re-notify the measure with the missing information added.
32. When the conditions to open the formal investigation procedure are met, the Commission will generally open that procedure after, at the most, two rounds of questions. However, in some cases more requests for information may be issued before the formal investigation procedure is opened, depending on the nature of the case and the completeness and complexity of the information provided by the Member State.

5.2. Agreed suspension of the preliminary examination

33. The Commission services may suspend the preliminary examination, for example when a Member State requests a suspension in order to change the aid measure to bring it in line with State aid rules, or by common agreement.
34. The period of suspension will be agreed in advance. If the Member State has not submitted a complete notification which complies with the State aid rules at the end of this period, the Commission services will continue the procedure from the point at which it was suspended. The Commission services will usually then inform the Member State that the notification is considered to have been withdrawn, or immediately open the formal investigation procedure due to serious doubts as to whether the aid measure complies with the State aid rules and hence its compatibility with the internal market.

5.3. 'State of play' contacts and contacts with the aid beneficiary

35. Upon request, the Commission services will inform the Member State of the state of play of the preliminary examination of the notification.
36. The Member State may decide to involve the beneficiary of a potential (individual) State aid measure in the 'state of play' contacts with the Commission, especially in cases with major technical, financial and project-related implications. The Commission services recommend the beneficiary becomes involved in such contacts. Nevertheless, the decision on whether or not to involve the beneficiary rests with the Member State.

6. STREAMLINED PROCEDURE IN STRAIGHTFORWARD CASES

6.1. Cases that may be subject to the streamlined procedure

37. If a case is straightforward and certain conditions are fulfilled, the Commission may agree to handle it under a streamlined procedure. In such cases, the Commission will, within 25 days from the date of notification, endeavour to adopt a short-form decision finding that the notified measure does not constitute aid or a decision not to raise objections ⁽³⁾.

⁽¹⁾ Unless otherwise agreed in Mutually Agreed Planning.

⁽²⁾ On the basis of Article 5(3) of the Procedural Regulation.

⁽³⁾ Pursuant to Article 4(2) or 4(3) of the Procedural Regulation.

38. If a Member State asks for the streamlined procedure to be applied, the Commission services will decide whether the case is suitable for this procedural treatment. This may, in particular, be the case when a measure is sufficiently similar to other measures which were approved in at least three Commission decisions adopted in the 10 years preceding the date of pre-notification ('precedent decisions'). To decide whether the measure is sufficiently similar to those assessed in the precedent decisions, the Commission services will look at all applicable substantive and procedural conditions, and in particular at the objectives and overall set-up of the measure, the types of beneficiaries, eligible costs, individual notification ceilings, aid intensities and applicable bonuses (if any), cumulation provisions, incentive effect and transparency requirements.
39. Generally, where at least three precedent decisions are available, it is clear that the measure does not constitute aid or that the aid measure is compatible with the internal market. Nevertheless, this may not be the case in certain circumstances, for example if the Commission is reassessing the precedent decisions in the light of recent case-law. As such cases need to be closely examined, the Commission services will usually refuse to apply the streamlined procedure.
40. The Commission services may also refuse to apply the streamlined procedure in cases where the aid measure could benefit a company which is under an obligation to repay State aid that the Commission held to be illegal and incompatible with the internal market ⁽¹⁾.

6.2. Pre-notification contacts in determining the use of streamlined procedure

41. The Commission services will only agree to apply the streamlined procedure if pre-notification contacts have taken place on the aid measure in question. In this context, the Member State should submit a draft notification form containing all relevant information, including references to precedent decisions, and a draft summary of the notification ⁽²⁾, which is intended for publication on the website of DG Competition.
42. The Commission services will only apply the streamlined procedure if they consider the notification form to be, in principle, complete. This means that the Commission services in principle would have enough information to approve the measure, if the Member State bases its notification on the draft notification form including the results of the pre-notification contacts.

6.3. Notification and publication of the short summary

43. The time limit of 25 days for the adoption of a short-form decision (see point (38)) starts when the Member State submits the notification. The standard notification forms ⁽³⁾ are used in the streamlined procedure.
44. After having received the notification, the Commission services will publish a summary of the notification ⁽⁴⁾ on DG Competition's website and will state that the aid measure may qualify for the application of the streamlined procedure. Interested parties will then have 10 working days to comment, particularly on circumstances which might require more thorough examination. If an interested party raises concerns which are at first sight well founded, the Commission services will apply the normal procedure. They will inform the Member State and the interested parties thereof.

6.4. Short-form decision

45. In cases where the streamlined procedure is applied, the Commission will normally issue a short-form decision. The Commission will endeavour to adopt a decision finding that the notified measure does not constitute aid or a decision not to raise objections ⁽⁵⁾ within 25 working days from notification.
46. The short-form decision contains the summary published at the time of notification and a short assessment of the measure under Article 107(1) of the Treaty and, where applicable, mentions that it is in line with the Commission's previous decision-making practice. The public version of the decision will be published on DG Competition's website.

⁽¹⁾ On the basis of an outstanding recovery order of the Member States, see Judgment of the ECJ of 9 March 1994, Case C-188/92, TWD Textilwerke Deggendorf, ECLI:EU:C:1994:90.

⁽²⁾ Annex to this Best Practices Code.

⁽³⁾ Annex I of the Implementing Regulation.

⁽⁴⁾ This summary is based on the standard form provided in the Annex of this Best Practices Code.

⁽⁵⁾ Based on Article 4(2) or 4(3) of the Procedural Regulation.

7. THE FORMAL INVESTIGATION PROCEDURE

47. The Commission aims to improve the transparency, predictability and efficiency of the treatment of the complex cases which are handled under the formal investigation procedure. To this end, it will efficiently use all procedural means it has on the basis of the Procedural Regulation.

7.1. Publication of the decisions and meaningful summaries

48. The Commission endeavours to publish its decision to open the formal investigation procedure ('opening decision'), together with a meaningful summary⁽¹⁾ within 2 months of its adoption in cases where the Member State does not ask for confidential information to be removed from the decision.

49. Where there is disagreement between the Commission services and the Member State about removal of confidential information from the opening decision, the Commission will apply the principles of the Communication on professional secrecy⁽²⁾ and will publish the decision as soon as possible after its adoption⁽³⁾. The same practice applies to the publication of all final decisions⁽⁴⁾.

7.2. Interested parties' comments

50. Interested parties, including the beneficiary of the aid, may comment on the opening decision within 1 month of its publication⁽⁵⁾. The Commission services will, in principle, not extend that deadline or accept submissions after it has passed⁽⁶⁾. The Commission services can grant an extension only in exceptional and duly justified cases, for example if the interested party intends to submit particularly voluminous factual information or if there has been contact with the interested party before the deadline expires.

51. In very complex cases, the Commission services may send a copy of the opening decision to interested parties, including trade or business associations, and ask them to comment on specific aspects of the case⁽⁷⁾. Interested parties' cooperation is voluntary. In their letter, the Commission services will invite interested parties to reply within 1 month to ensure that the procedure is efficient. The Commission will send the same invitation to comment to the aid beneficiary.

52. In order to respect the rights of defence⁽⁸⁾, the Commission services will forward a non-confidential version of any comments received from interested parties to the Member State concerned and invite the Member State to reply within 1 month. If there are no comments from interested parties, the Commission services will inform the Member State to that effect.

53. The Commission services invite the Member States to accept comments from interested parties in their original language, so that they can be forwarded as quickly as possible. Nevertheless, the Commission services will provide a translation if a Member State asks for it. This may result in the procedure taking longer.

7.3. Member States' comments

54. The Commission services strive to complete the formal investigation procedure as quickly as possible. Therefore, they strictly apply the deadlines laid down in the Procedural Regulation. If a Member State does not submit comments on the opening decision or on third-party comments within 1 month⁽⁹⁾, the Commission services may extend the deadline by another month, if the request from the Member State is justified, stating that, except in exceptional circumstances, no further extension will be granted. If the Member State does not send a sufficient and meaningful reply, the Commission may take a decision on the basis of the information available to it⁽¹⁰⁾.

⁽¹⁾ The 'meaningful summary' is intended to be a short summary of the grounds on which the Commission has decided to open the procedure. The meaningful summary is translated into all official languages of the EU and published together with the full text of the opening decision in the Official Journal.

⁽²⁾ Commission communication on professional secrecy in State aid decisions (OJ C 297, 9.12.2003, p. 6).

⁽³⁾ In line with paragraph 33 of the Communication on professional secrecy.

⁽⁴⁾ In line with paragraph 34 of the Communication on professional secrecy.

⁽⁵⁾ Article 6 of the Procedural Regulation.

⁽⁶⁾ Without prejudice to Article 12(1) of the Procedural Regulation.

⁽⁷⁾ According to settled case law, the Commission is entitled to send the decision to open the formal investigation to identified interested parties; see for example Case T-198/01, Technische Glaswerke Ilmenau v Commission, ECLI:EU:T:2004:222, paragraph 195; Joined Cases C-74/00 P and C-75/00 P, Falck Spa and others v Commission, ECLI:EU:C:2002:524, paragraph 83.

⁽⁸⁾ And in accordance with Article 6(2) of the Procedural Regulation.

⁽⁹⁾ Article 6(1) of the Procedural Regulation.

⁽¹⁰⁾ In line with Article 9(7) and 15(1) of the Procedural Regulation.

55. If information which is essential for the Commission in order to come to a final decision is missing in the case of unlawful aid (that is to say if new aid put into effect is in breach of Article 108(3) of the Treaty), the Commission might issue an information injunction⁽¹⁾ requiring the Member State to provide the information. If the Member State does not respond to the injunction within the prescribed period, the Commission may take a decision based on the information available to it.

7.4. Requests for additional information from the Member State concerned

56. In very complex cases, the Commission services may need to send a further request for information after the Member State's comments on the opening decision have been received. The deadline for the Member State to reply is normally 1 month.

57. If a Member State does not reply by the deadline, the Commission services will send a reminder, setting a final deadline, which is usually 20 working days. They will also inform the Member State that, in the absence of a suitable response by the deadline, the Commission has several options according to the characteristics of the case. It may observe that the notification is withdrawn⁽²⁾. It may send a request for information to other sources⁽³⁾. For cases of unlawful aid, the Commission may issue an information injunction. It may also take a decision based on the information available to it⁽⁴⁾.

7.5. Requests for information made to other sources

58. After initiating the formal investigation procedure in cases where it has been formally concluded that the Member State has not provided sufficient information during the preliminary examination, the Commission may issue a request for information to sources other than the Member State⁽⁵⁾.

59. If the Commission services want to request information from the aid beneficiary, they need to obtain the Member State's express consent. The Member State will typically have a short deadline to reply to such a request for consent.

60. The Commission services will respect the principle of proportionality⁽⁶⁾ and only request information from other sources if that information is at the disposal of those parties. Interested parties will have a reasonable period, usually no more than 1 month, to provide the information.

61. Besides requests for information from other sources, the Commission also has the power to investigate and collect information based on the case-law of EU courts⁽⁷⁾. This power is not affected by the specific rules governing requests for information to other sources.

7.6. Justified suspension of a formal investigation

62. The Commission services will only suspend a formal investigation in exceptional circumstances and in agreement with the Member State. This could be the case if the Member State asks for a suspension to bring its project in line with the State aid rules, or where the judgment in a case pending before EU courts is likely to have an impact on the assessment of the case.

63. Formal suspension will normally only be granted once, and for a period agreed in advance between the Commission services and the Member State.

7.7. Adoption of the final decision and justified extension of the formal investigation

64. The Commission always endeavours to adopt a final decision expeditiously and, as far as possible, within 18 months from the opening of the procedure⁽⁸⁾. That time limit may be extended by agreement between the Commission services and the Member State. An extension may be appropriate if the case concerns a novel aid measure or raises novel legal issues.

65. To ensure that this 18-month deadline is complied with, the Commission will endeavour to adopt the final decision no later than 6 months after the Member State submits the last piece of information, or after the last deadline expires.

⁽¹⁾ Article 12 of the Procedural Regulation.

⁽²⁾ Article 5(3) of the Procedural Regulation.

⁽³⁾ Article 7 of the Procedural Regulation.

⁽⁴⁾ Articles 9(7) and 15(1) of the Procedural Regulation.

⁽⁵⁾ For instance, in Case T-198/01 Technische Glaswerke Ilmenau v Commission, ECLI:EU:T:2004:222, the Court of First Instance recognised implicitly that the Commission was entitled to put questions to one of the firms that made comments following the decision to open the formal investigation procedure. Similarly, in Case T-296/97 Alitalia v Commission, ECLI:EU:T:2000:289, the Court of First Instance also implicitly accepted that the Commission could, via its appointed expert consultants, contact institutional investors in order to assess the conditions of investment of the Italian State in Alitalia.

⁽⁶⁾ Article 9(6) of the Procedural Regulation. Pursuant to Article 15(2) of that Regulation, the Commission is not bound by the deadline in the case of unlawful aid.

8. INVESTIGATIONS INTO SECTORS OF THE ECONOMY AND INTO AID INSTRUMENTS

66. The Commission has the power to conduct sector inquiries, in which it will respect the principle of proportionality ⁽¹⁾. At the end of such an inquiry, the Commission will publish a report on the results of its investigation on DG Competition's website. The Commission will inform Member States and invite them and other concerned parties to comment on the report within a period of no more than 1 month.
67. The information obtained through the sector inquiry may be used in State aid procedures, and could lead to the Commission launching investigations into State aid measures on its own initiative.

9. FORMAL COMPLAINTS

68. The Commission services endeavours to handle complaints from interested parties as efficiently and transparently as possible, using the best practices described below.

9.1. The complaint form and obligation to show affected interest

69. Article 1(h) of the Procedural Regulation defines interested parties as any Member State and any person, undertaking or association of undertakings whose interests might be affected by the granting of aid, in particular the beneficiary of the aid, competing undertakings and trade associations. Interested parties wanting to submit a formal complaint to the Commission should fill out the complaint form ⁽²⁾ and provide all the requested information, together with a non-confidential version of the complaint ⁽³⁾. If the complaint form is complete and the submitting party shows that its interests might be affected by the granting of the aid pursuant to Article 1(h) of the Procedural Regulation ⁽⁴⁾, the Commission services will register the case as a formal complaint.
70. If the submitting party does not provide all information required by the complaint form or does not show that it has an interest to act, the Commission services will treat the submission as market information ⁽⁵⁾. The Commission services will inform the submitting party to that effect. Market information may lead to further investigation by the Commission.

9.2. Indicative time frame and outcome of the investigation of a formal complaint

71. The Commission services endeavour to investigate a formal complaint within a non-binding time limit of 12 months from when they are registered. The investigation could be longer based on the circumstances of the case, for example if the Commission services need to ask the complainant, Member State or third parties for further information.
72. If a complaint is unsubstantiated, the Commission services will try to inform the complainant within 2 months from its registration that there are insufficient grounds for taking a view on the case. They will invite the complainant to submit further substantive comments within 1 month. If the complainant does not provide further comments within the deadline, the complaint will be considered to have been withdrawn.
73. With regard to complaints on approved aid and/or aid measures which do not need to be notified, the Commission services will also try to reply to the complainant within 2 months from receipt of the complaint.

⁽¹⁾ Article 25 of the Procedural Regulation.

⁽²⁾ Annex IV to the Implementing Regulation.

⁽³⁾ See Article 24(2) of the Procedural Regulation.

⁽⁴⁾ 'Interested party' means any Member State and any person, undertaking or association of undertakings whose interests might be affected by the granting of aid, in particular the beneficiary of the aid, competing undertakings and trade associations.

⁽⁵⁾ As explained in Recital 32 in the preamble to the Procedural Regulation, '[t]o ensure the quality of the complaints submitted to the Commission, and at the same time transparency and legal certainty, it is appropriate to lay down the conditions that a complaint should fulfil in order to put the Commission in possession of information regarding alleged unlawful aid and set in motion the preliminary examination. Submissions not meeting those conditions should be treated as general market information, and should not necessarily lead to ex officio investigations.'

74. Depending on its workload and in applying its right to set the priorities for investigations ⁽¹⁾, the Commission services will try to carry out one of the following within 12 months following the registration of the complaint:
- adopt a decision ⁽²⁾, and send a copy to the complainant;
 - send a letter to the complainant setting out its preliminary views on the measure based on the available information ('preliminary assessment letter'); this letter is not an official position of the Commission.
75. If the preliminary assessment letter provisionally concludes that there is no incompatible aid, the complainant can comment on it within 1 month. If the complainant does not comment within the deadline, the complaint will be considered to have been withdrawn.
76. If a complaint concerns unlawful aid, the Commission services will remind the complainant that it is possible to start proceedings before national courts which can order that such aid be suspended or recovered ⁽³⁾. The Commission services may treat formal complaints on aid measures which are being challenged before national courts as a low priority for the duration of those proceedings.
77. The Commission services will usually, but not necessarily, forward the non-confidential version of the substantiated complaints to the Member State for comments. The Commission services will invite the Member State concerned to meet the deadlines for commenting and providing information on complaints. Complaints will normally be sent to the Member State in their original language. Nevertheless, the Commission services will provide a translation if the Member State asks for it. This may result in the procedure taking longer.
78. The Commission services will systematically keep Member States and complainants informed of the processing or closure of complaints.

10. EVALUATION PLANS

79. The positive effects of State aid should outweigh its potential negative effects on competition and trade. To ensure that this is the case, the Commission encourages an effective *ex post* evaluation of aid schemes which could lead to substantial distortions of competition. This includes aid schemes with large budgets or novel characteristics, and schemes in markets where significant market, technology or regulatory changes are expected. The Commission services will decide during the pre-notification phase whether an evaluation is necessary. They will inform the Member State as soon as possible, so that it has enough time to prepare an evaluation plan.
80. For schemes that must be evaluated on the basis of the GBER ⁽⁴⁾, the Member State must notify its evaluation plan to the Commission within 20 working days from the scheme's entry into force. The Commission will assess the evaluation plan and, if it meets the conditions, approve it as soon as possible. It will also then extend the period for which the scheme can be implemented under the GBER.
81. For notified schemes that must be evaluated, the Member State must submit its evaluation plan to the Commission at the same time as the notification. The Commission will assess the evaluation plan alongside the scheme itself, and its decision will cover both the plan and the scheme. All procedural requirements from the Procedural Regulation apply in full.

11. MONITORING

82. The Commission keeps all systems of aid that exist in the Member States under constant review ⁽⁵⁾. The review takes place in cooperation with the Member States, which must provide all the necessary information to the Commission ⁽⁶⁾.

⁽¹⁾ Case T-475/04, *Bouygues SA v Commission*, ECLI:EU:T:2007:196, paragraphs 158 and 159.

⁽²⁾ Article 4 of the Procedural Regulation.

⁽³⁾ See Commission Notice on the Enforcement of State Aid Law by National Courts (OJ C 85, 9.4.2009, p. 1).

⁽⁴⁾ Article 1(2)(a) of the GBER excludes from the scope of the block-exemption aid schemes with annual budgets exceeding EUR 150 million, from 6 months of their entry into force, unless the Commission has prolonged that period following the approval of an evaluation plan.

⁽⁵⁾ On the basis of Article 108(1) of the Treaty.

⁽⁶⁾ In accordance with Article 21(1) of the Procedural Regulation.

83. Since SAM, Member States have had greater possibilities to grant aid without notifying it to the Commission, mainly because GBER now applies to more measures. To ensure that those measures comply with the rules in a consistent way throughout the EU, it is increasingly important for the Commission to monitor how Member States apply existing or exempted aid schemes. Therefore, the Commission services have set up an annual monitoring process during which they select a sample of State aid cases for further scrutiny.
84. The Commission services check both the compliance of the selected schemes with their legal basis and their implementation ⁽¹⁾.
85. The Commission services obtain the necessary information for the monitoring process through requests for information to the Member States. Member States usually have 20 working days to reply to these requests. In justified cases, for example where an exceptionally large amount of information needs to be provided, that period may be longer.
86. If the information provided is not sufficient to conclude whether the measure is correctly designed and implemented, the Commission services will send further requests for information to the Member State.
87. The Commission services will try to complete the monitoring of a State aid measure within 12 months from the first request for information and inform the Member State concerned of the outcome.

12. BETTER COORDINATION AND PARTNERSHIP WITH MEMBER STATES

88. Since SAM, Member States have had greater responsibility in State aid control and more possibilities to grant aid without notifying it to the Commission. Therefore, cooperation between the Commission and the Member States on the application of the new State aid rules has become more important.
89. To foster closer working relationships with Member States, the Commission services have set up several working groups bringing together representatives from both the Member States and the Commission. These working groups meet on a regular basis and are meant to exchange information on practical aspects and lessons learned in the application of State aid rules. The Commission services provide the secretariat for the working groups.
90. In addition, the Commission services are also ready to support Member States, for example by providing informal guidance on the interpretation of the new rules. The Commission services also try to provide training sessions for Member States on State aid topics when asked for by the Member States.
91. The Commission services have also set up a network of country coordinators to facilitate day-to-day contacts with the Member States. The country coordinator is a contact point for Member States that wish to reach out to the Commission services on the handling of cases and other aspects of the application of State aid rules. The country coordinators should be kept in copy of electronic communication on cross-cutting issues, especially on the case portfolio approach.

13. FUTURE REVIEW

92. The Commission will apply this Best Practices Code to notified measures and measures which were otherwise brought to its attention 30 days after it is published in the *Official Journal of the European Union*.
93. This Best Practices Code may be revised to reflect:
 - changes to legislative, interpretative and administrative measures;
 - the relevant case-law of the EU Courts; or
 - experience gained in its application.

⁽¹⁾ If the scheme was actually implemented.

94. The Commission will engage, on a regular basis, in dialogue with the Member States and other stakeholders on the application of the Procedural Regulation in general, and this Best Practices Code in particular.
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ANNEX

Summary of Notification: Invitation to third parties to submit comments**Notification of a State Aid measure**

On ... the Commission received a notification of an aid measure pursuant to Article 108 of the Treaty on the Functioning of the European Union. On preliminary examination, the Commission finds that the notified measure could fall within the scope of the Streamlined Procedure pursuant to Section 6 of Communication from the Commission on a Code of Best Practices for the conduct of State aid control procedures (OJ C ... xx.xx.2018, p. ...).

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

The main features of the aid measure are the following:

Reference number of the aid: SA ...

Member State:

Member State reference number:

Region:

Granting authority:

Title of the aid measure:

National legal basis:

Proposed Union basis for assessment: ... guidelines or established Commission practice as highlighted in Commission Decision (1, 2 and 3).

Type of measure: Aid scheme/Ad hoc aid

Amendment of an existing aid measure:

Duration (scheme):

Date of granting:

Economic sector(s) concerned:

Type of beneficiary (SMEs/large enterprises):

Budget:

Aid instrument (grant, interest rate subsidy, ...):

Observations raising competition issues relating to the notified measure must reach the Commission no later than 10 working days following the date of this publication and include a non-confidential version of these observations to be provided to the Member State concerned and/or other interested parties. Observations can be sent to the Commission by fax, by post or email under reference number SA ... to the following address:

European Commission
Directorate-General for Competition
State Aid Registry
1049 Bruxelles/Brussels
BELGIQUE/BELGIË
Fax +32 22961242
Email: stateaidgreffe@ec.europa.eu

Notice of information of the termination of the demarches with a third country notified on 12 December 2014 of the possibility of being identified as a non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

(2018/C 253/06)

The European Commission (the Commission) has terminated the demarches with Tuvalu in the fight against IUU fishing initiated on 12 December 2014 with the Commission Decision 2014/C 447/11 ⁽¹⁾ on notifying Tuvalu that the Commission considers as possible of identifying Tuvalu as a non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 ⁽²⁾ establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU Regulation).

1. Legal framework

Pursuant to Article 32 of the IUU Regulation the Commission should notify third countries of the possibility of their being identified as non-cooperating countries. Such notification is of a preliminary nature. The notification of third countries of the possibility of their being identified as non-cooperating countries is based on the criteria laid down in Article 31 of the IUU Regulation.

The Commission should take all the demarches set out in Article 32 with respect to those countries. In particular, the Commission should include in the notification information concerning the essential facts and considerations underlying such identification, the opportunity of those countries to respond and provide evidence refuting the identification or, where appropriate, a plan of action to improve and measures taken to rectify the situation.

The Commission should give to the third countries concerned adequate time to answer the notification and reasonable time to remedy the situation.

2. Procedure

On 12 December 2014, the European Commission notified Tuvalu of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated (IUU) fishing.

The Commission highlighted that in order to avoid being identified as a non-cooperating country, Tuvalu was invited to cooperate with the Commission on the basis of a proposed action plan to rectify the shortcomings identified.

The Commission opened a process of dialogue with Tuvalu. This country submitted written comments that were considered and taken into account by the Commission. The Commission continued to seek and verify all information it deemed necessary.

Tuvalu has introduced the necessary measures for the cessation of IUU fishing activities in question and the prevention of any future such activities, rectifying any act or omission leading to the notification of the possibility of being identified as a non-cooperating country in fighting IUU fishing.

3. Conclusion

In the given circumstances and after examining the above mentioned considerations, the Commission therefore concludes that the demarches vis-à-vis Tuvalu pursuant to the provisions of Article 32 of the IUU Regulation with respect to the discharge of the duties incumbent upon it under international law as flag, port, coastal or market State and its actions to prevent, deter and eliminate IUU fishing are hereby terminated. The relevant competent authorities have been officially informed by the Commission.

The abovementioned termination of demarches does not preclude the Commission or the Council from taking any subsequent step in the future, if factual elements reveal that the country fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market State to take action to prevent, deter and eliminate IUU fishing.

⁽¹⁾ OJ C 447, 13.12.2014, p. 23

⁽²⁾ OJ L 286, 29.10.2008, p. 1.

NOTICES FROM MEMBER STATES

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****(Text with EEA relevance)**

(2018/C 253/07)

Member State	France
Route concerned	Limoges-Lyon (Saint-Exupéry)
Period of validity of the contract	From 1 February 2019 to 31 January 2023
Deadline for the submission of applications and tenders	15 October 2018 (12.00, local time)
Address where the text of the invitation to tender and any relevant information and/or documentation relating to the public tender and the public service obligation can be obtained	Syndicat mixte de l'aéroport de Limoges-Bellegarde (SMALB) Mr Fabrice CREON Director Tel. +33 555433014/642171178 Email: direction@smalb-aeroport.fr Or on the platform where the SMALB's buyer profile can be found: https://www.e-marchespublics.com

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****(Text with EEA relevance)**

(2018/C 253/08)

Member State	France
Route concerned	Limoges-Paris (Orly)
Period of validity of the contract	From 1 February 2019 to 31 January 2023
Deadline for the submission of applications and tenders	15 October 2018 (12.00, local time)
Address where the text of the invitation to tender and any relevant information and/or documentation relating to the public tender and the public service obligation can be obtained	Syndicat Mixte de l'Aéroport de Limoges-Bellegarde (SMALB) Mr Fabrice CREON Director Tel. +33 555433014/642171178 Email: direction@smalb-aeroport.fr Or on the platform where the SMALB's buyer profile can be found: https://www.e-marchespublics.com

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
ironing boards originating in the People's Republic of China**

(2018/C 253/09)

Following the publication of a Notice of impending expiry⁽¹⁾ of the anti-dumping measures in force on the imports of ironing boards originating in the People's Republic of China ('the country concerned') the European Commission ('the Commission') has received a request for review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union⁽²⁾ ('the basic Regulation').

1. Request for review

The request was lodged on 20 April 2018 by three EU producers (Colombo New Scal SpA, Rörenets Polska Sp. z.o.o. and Vale Mill (Rochdale) Ltd), jointly referred to as ('the applicants') representing more than 25 % of the total Union production of ironing boards.

An open version of the request and the analysis of the degree of support by Union producers for the request are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

2. Product under review

The product subject to this review is ironing boards, whether or not free-standing, with or without a steam-soaking and/or heating top and/or blowing top, including sleeve boards, and essential parts thereof, i.e. the legs, the top and the iron rest ('the product under review'), currently falling within CN codes ex 3924 90 00, ex 4421 99 99, ex 7323 93 00, ex 7323 99 00, ex 8516 79 70 and ex 8516 90 00 (TARIC codes 3924 90 00 10, 4421 99 99 10, 7323 93 00 10, 7323 99 00 10, 8516 79 70 10 and 8516 90 00 51), and originating in the People's Republic of China.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 695/2013⁽³⁾.

4. Grounds for the review

The request is based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and injury⁽⁴⁾ to the Union industry.

⁽¹⁾ OJ C 362, 26.10.2017, p. 30.

⁽²⁾ OJ L 176, 30.6.2016, p. 21.

⁽³⁾ Council Implementing Regulation (EU) No 695/2013 of 15 July 2013 imposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China, and repealing the anti-dumping dumping measures on imports of ironing boards originating in Ukraine following an expiry review pursuant to Article 11(2) and a partial interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 198, 23.7.2013, p. 1).

⁽⁴⁾ The general term 'injury' refers to material injury as well as to threat of material injury or material retardation of the establishment of an industry as set out in Article 3(1) of the basic Regulation.

4.1. *Allegation of likelihood of continuation or recurrence of dumping*

The applicants claimed that it is not appropriate to use domestic prices and costs in the country concerned due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation.

To substantiate the allegations of significant distortions, the applicants referred to the Commission Staff Working Document dated 20 December 2017 'Report on Significant Distortions in the Economy of the PRC for the purposes of the trade defence investigations' ⁽¹⁾, describing the specific circumstances in the country concerned. In particular, the applicants claimed that the production and sale of the product under review is potentially affected by the factors mentioned, inter alia, in chapters 'raw materials and other material inputs', and 'steel sector' of the report.

As a result, in view of Article 2(6a) of the basic Regulation, the allegation of continuation or recurrence of dumping is based on a comparison of a constructed normal value on the basis of costs of production and sale reflecting undistorted prices or benchmarks in an appropriate representative country, with the export price (at ex-works level) of the product under review from the country concerned when sold for export to the Union. On that basis the dumping margins calculated are significant for the country concerned.

In light of the information available, the Commission considers that there is sufficient evidence pursuant to Article 5(9) of the basic Regulation tending to show that, due to significant distortions affecting prices and costs, the use of domestic prices and costs in the country concerned is inappropriate, thus warranting the initiation of an investigation on the basis of Article 2(6a) of the basic Regulation.

4.2. *Allegation of likelihood of continuation or recurrence of injury*

The applicants have provided sufficient evidence that the Union industry is still in a vulnerable state. Inter alia, their profit margin has deteriorated and is now below the target profit as established in the original investigation ⁽²⁾.

The applicants also allege the likelihood of continuation or recurrence of injury. In this respect, the applicants have provided 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 in the country concerned and to the potential of manufacturing facilities of the Chinese exporting producers to easily switch production between various metal products, from other products to ironing boards.

In addition, the applicants allege that any further substantial increase of imports at dumped prices from the country concerned would be likely to cause further 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 January 2017 to 31 December 2017 ('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 2014 to the end of the investigation period ('the period considered').

⁽¹⁾ Report on Significant Distortions in the Economy of the PRC for the purposes of the trade defence investigations, 20.12.2017, SWD (2017) 483 final/2 available at: http://trade.ec.europa.eu/doclib/docs/2017/december/tradoc_156474.pdf

⁽²⁾ The original investigation means the investigation of dumping and injury which covered the period from 1 January 2005 to 31 December 2005, as indicated in recital 2 of Council Regulation (EC) No 452/2007.

5.2. **Comments on the request and the initiation of the investigation**

All interested parties are invited to make their views known on the inputs and the Harmonised System (HS) codes provided in the request ⁽¹⁾ within 15 days of the date of publication of this Notice in the *Official Journal of the European Union* ⁽²⁾.

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

In an expiry review, the Commission examines exports that were made to the Union in the review investigation period and, irrespective of exports to the Union, considers whether the situation of the companies producing and selling the product under review in the country concerned is such that continuation or recurrence of exports at dumped prices to the Union would be likely to continue or recur if measures expire.

Therefore, all producers of the product under review in the country concerned, irrespective of whether or not they exported ⁽³⁾ the product under review to the Union in the review investigation period, are invited to participate in the Commission investigation.

5.3.1. *Investigating producers in the country concerned*

In view of the potentially large number of producers in the country concerned involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit the 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 producers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to this review, are hereby requested to provide the Commission with information on their company(ies) requested in Annex I to this Notice within 7 days of the date of publication of this Notice.

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

If a sample is necessary, the 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 producers, the authorities of the country concerned and associations of 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.

Once the Commission has received the necessary information to select a sample of producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

The Commission will add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for producers in the country concerned is available in the file for inspection by interested parties and on DG Trade's website (http://trade.ec.europa.eu/tdi/case_details.cfm?id=2359).

The questionnaire will also be made available to any known association of producers, and to the authorities of the country concerned.

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 producers').

⁽¹⁾ Information on HS codes is also provided in the executive summary of the review request, which is available on DG Trade's website (http://trade.ec.europa.eu/tdi/case_details.cfm?id=2359).

⁽²⁾ All references to the publication of this Notice will be references to publication of this Notice in the *Official Journal of the European Union* unless otherwise specified.

⁽³⁾ A producer is any company in the country concerned which produces the product under review, including any of its related companies involved in the production, domestic sales or exports of the product under review.

5.3.2. *Additional procedure with regard to the country concerned subject to significant distortions*

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

Pursuant to point (e) of Article 2(6a), the Commission will shortly after initiation, by means of a note to the file for inspection by interested parties, inform parties to the investigation about the relevant sources, including the selection of an appropriate representative third country where appropriate, that it intends to use for the purpose of determining normal value pursuant to Article 2(6a) of the basic Regulation. Parties to the investigation shall be given 10 days to comment from the date at which that note is added to the file for inspection by interested parties. According to the information available to the Commission, a possible representative third country is Turkey. With the aim of finally selecting the appropriate representative third country the Commission will examine whether there is a similar level of economic development as the exporting country, whether there is production and sales of the product under review and whether relevant data are readily available. Where there is more than one such country, preference will be given, where appropriate, to countries with an adequate level of social and environmental protection.

With regard to the relevant sources, the Commission requests all producers in the country concerned to provide the information requested in Annex III to this Notice within 15 days of the date of publication of this Notice.

Furthermore, any submissions of factual information to value costs and prices pursuant to point (a) of Article 2(6a) of the basic Regulation must be filed within 65 days of the date of publication of this Notice. Such factual information should be taken exclusively from publicly available sources.

In order to obtain the information it deems necessary for its investigation with regard to the alleged significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission will also send a questionnaire to the Government of the country concerned.

5.3.3. *Investigating unrelated importers* ⁽¹⁾ ⁽²⁾

Unrelated importers of the product under review from the country concerned to the Union, including those that did not cooperate in the investigation leading to the measures in force, 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. Those parties must do so within 7 days of the date of publication of this Notice by providing the Commission with the information on their company(ies) requested in Annex II.

⁽¹⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party 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 control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). 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. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

⁽²⁾ 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.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under review from the country concerned 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.

The Commission will also add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the sample selection, unless otherwise specified.

A copy of the questionnaire for importers is available in the file for inspection by interested parties and on DG Trade's website (http://trade.ec.europa.eu/tdi/case_details.cfm?id=2359).

5.4. 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.

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 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 7 days of the date of publication of this Notice.

All interested parties wishing to submit any other relevant information regarding the selection of the sample must do so within 7 days of the publication of this Notice, 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.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website (http://trade.ec.europa.eu/tdi/case_details.cfm?id=2359).

5.5. Procedure for the assessment of Union interest

Should the likelihood of continuation or recurrence of dumping and injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the anti-dumping measures would not be against the Union interest.

Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to provide the Commission with information on the Union interest. In order to participate in the investigation, the representative consumer organisations have to demonstrate that there is an objective link between their activities and the product under review.

Information concerning the assessment of Union interest must be provided within 37 days of the date of publication of this Notice 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.

5.6. *Interested parties*

In order to participate in the investigation interested parties, such as exporting producers, Union producers, importers and their representative associations, users, trade unions and their representative associations, and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under review.

Exporting producers, Union producers, importers and representative associations who made information available in accordance to the procedures described in Sections 5.2, 5.3 and 5.4 will be considered as interested parties if there is an objective link between their activities and the product under review.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under review. Being considered as an interested party is without prejudice to the application of Article 18 of the basic Regulation.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: <https://webgate.ec.europa.eu/tron/TDI> Please follow the instructions on that page to get access.

5.7. *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.

5.8. *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 as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

5.9. *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⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

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'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

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

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). 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).

DEFENCE CASES' published on the website of the Directorate-General for Trade: 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
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: TRADE-R693-IRONING-BOARDS-DUMPING@ec.europa.eu
TRADE-R693-IRONING-BOARDS-INJURY@ec.europa.eu

6. **Schedule of the investigation**

The investigation shall normally be concluded within 12 months and in any event no later than 15 months from the date of the publication of this Notice, pursuant to Article 11(5) of the basic Regulation within.

7. **Submission of information**

As a rule, interested parties may only submit information in the timeframes specified in Section 5 of this Notice.

In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. **Possibility to comment on other parties' submissions**

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 3 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments filed by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. **Extension to time limits specified in this Notice**

Any extension to the time limits provided for in this Notice can only be requested in exceptional circumstances and will only be granted if duly justified.

Extensions to the deadline to reply to questionnaires may be granted, if duly justified, and will be normally limited to 3 additional days. As a rule, such extensions will not exceed 7 days. Regarding time limits for the submission of other information specified in this Notice, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

10. **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.

11. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services 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. The Hearing Officer will examine the reasons for the requests. In principle, these hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are late, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

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/>

12. Possibility to request a review under Article 11(3) of the basic Regulation

As this expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any interested party considers that a review of the measures is warranted so as to allow for the possibility to amend the measures, that party may request a review pursuant to Article 11(3) of the basic Regulation.

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

13. 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⁽¹⁾.

⁽¹⁾ 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 (OJ L 8, 12.1.2001, p. 1).

ANNEX I

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

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

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

This form is designed to assist producers in the People's Republic of China in responding to the request for sampling information made in point 5.3.1 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

For the review investigation period as defined in Section 5.1 of the Notice of initiation, indicate the production, production capacity, turnover in the accounting currency of the company (export sales to the Union for each of the 28 Member States ⁽²⁾ separately and in total, export sales to the rest of the world (total and the five biggest importing countries) and domestic sales) and the corresponding volume of the product under review as defined in the Notice of initiation and originating in the country concerned. State the currency used.

Table I

Turnover and sales volume

		Volume (pieces)	Volume (tonnes)	Value in accounting currency (State the currency used)
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:			
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			

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ The 28 Member States of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

	Volume (pieces)	Volume (tonnes)	Value in accounting currency (State the currency used)
Domestic sales of the product under review, manufactured by your company			

(*) Add additional rows where necessary

Table II

Production and production capacity

	Volume (pieces)	Volume (tonnes)
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 ⁽¹⁾

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under subcontracting arrangements, 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 producers are based on facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if one of the following conditions is fulfilled: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns or 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 control a third person directly or indirectly; or (h) they are members of the same family. (OJ L 143, 29.12.2015, p. 558). 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. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

ANNEX II

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

**ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF IRONING BOARDS 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 5.3.3 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

For the review investigation period as defined in Section 5.1 of the Notice of initiation, indicate the total turnover in euros (EUR) of the company, and the turnover and volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from the country concerned and the corresponding volume of the product under review as defined in the Notice of initiation and originating in the country concerned. State the volume (pieces and tonnes).

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

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ The 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Croatia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

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

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under subcontracting arrangements, or processing or trading the product under review.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

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

5. CERTIFICATION

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

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if one of the following conditions is fulfilled: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns or 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 control a third person directly or indirectly; or (h) they are members of the same family. (OJ L 143, 29.12.2015, p. 558). 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. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

ANNEX III

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

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

INFORMATION REQUEST REGARDING THE INPUTS USED BY THE PRODUCERS IN THE PEOPLE'S REPUBLIC OF CHINA

This form is designed to assist producers in the People's Republic of China in responding to the request for input information made in point 5.3.2 of the Notice of initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in Section 5.3.2 of the Notice of initiation.

The requested information should be sent back to the Commission at the address specified in the Notice of initiation within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone	
Fax	

2. INFORMATION ON THE INPUTS USED BY YOUR COMPANY AND RELATED COMPANIES

Please provide a short description of the production process(es) of the product under review.

Please list all materials (raw and processed) and energy used in the production of the product under review as well as all by-products and waste that are sold or (re)introduced in the production process of the product under review. Where appropriate, provide the corresponding Harmonised System (HS) code ⁽²⁾ for each of the items inserted in the two tables. Please fill in a separate Annex for each of the related companies that produce the product under review in case the production process differs.

Raw materials/energy	HS Code
<i>(Add additional rows where necessary)</i>	

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ The Harmonised Commodity Description and Coding System generally referred to as 'Harmonised System' or simply 'HS' is a multipurpose international product nomenclature developed by the World Customs Organisation (WCO).

By-products and waste	HS Code
<i>(Add additional rows where necessary)</i>	

The company hereby declares that the information provided above is accurate to the best of its knowledge.

Signature of the authorised official:

Name and title of the authorised official:

Date:

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9033 — Clearlake Capital Group/Vista/Eagleview Technology Corporation)

Candidate case for simplified procedure

(Text with EEA relevance)

(2018/C 253/10)

1. On 11 July 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- Clearlake Capital Group ('Clearlake', United States),
- Vista Equity Partners Management LLC ('Vista', United States),
- Eagleview Technology Corporation ('Eagleview', United States).

Clearlake acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, joint control of Eagleview, by way of purchase of shares. At the date of the notification, Eagleview is under the sole control of Vista. Post-Transaction Eagleview would be jointly controlled by Clearlake and Vista.

2. The business activities of the undertakings concerned are:

- for Clearlake: private investment fund focusing on investments in software and technology-enabled services, industrials and energy, and consumer,
- for Vista: private equity firm that is focused on investments in software, data and technology-enabled businesses,
- for Eagleview: provider of aerial imagery, 3-D measurement software, data analytics, and geographic information system ('GIS') solutions for a wide range of users including government, property and casualty insurance and residential contractors.

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. The following reference should always be specified:

M.9033 — Clearlake Capital Group/Vista/Eagleview Technology Corporation

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

⁽²⁾ OJ C 366, 14.12.2013, p. 5.

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

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

Prior notification of a concentration
(Case M.9041 — Hutchison/Wind Tre)
(Text with EEA relevance)
(2018/C 253/11)

1. On 12 July 2018, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- CK Hutchison Holdings Limited ('Hutchison', Hong Kong),
- Wind Tre SpA ('Wind Tre', Italy).

Hutchison acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Wind Tre.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for undertaking Hutchison: ports and related services, retail, infrastructure, energy and telecommunications,
- for undertaking Wind Tre: mobile and fixed telecommunications in Italy.

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. The following reference should always be specified:

M.9041 — Hutchison/Wind Tre

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal 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').

CORRIGENDA

Corrigendum to Passenger Name Records (PNR)

List of Member States who have decided the application of the PNR Directive to intra-EU flights as referred to in Article 2 of Directive (EU) 2016/681 of the European Parliament and of the Council on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

(If a Member State decides to apply this Directive to intra-EU flights, it shall notify the Commission in writing. A Member State may give or revoke such a notification at any time. The Commission shall publish that notification and any revocation of it in the Official Journal of the European Union)

(Official Journal of the European Union C 196 of 8 June 2018)

(2018/C 253/12)

On page 29:

The following Member State that has notified the Commission of the application of the PNR Directive in intra-EU flights is added:

— Latvia

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