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⁽¹⁾ Text with EEA relevance

I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

EUROPEAN CENTRAL BANK

RECOMMENDATION OF THE EUROPEAN CENTRAL BANK

of 28 January 2008

to the Council of the European Union on the external auditors of Suomen Pankki

(ECB/2008/1)

(2008/C 29/01)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 27.1 thereof,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) The mandate of Suomen Pankki's current external auditors will end after the audit for the financial year 2007. It is therefore necessary to appoint external auditors from the financial year 2008.
- (3) Suomen Pankki has selected KPMG Oy Ab as its external auditors for the financial years 2008 to 2012,

HAS ADOPTED THIS RECOMMENDATION:

It is recommended that KPMG Oy Ab should be appointed as the external auditors of Suomen Pankki for the financial years 2008 to 2012.

Done at Frankfurt am Main, 28 January 2008.

The President of the ECB
Jean-Claude TRICHET

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Non-opposition to a notified concentration**(Case COMP/M.4779 — Akzo Nobel/ICI)****(Text with EEA relevance)**

(2008/C 29/02)

On 13 December 2007, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(2) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- from the Europa competition website (<http://ec.europa.eu/comm/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
 - in electronic form on the EUR-Lex website under document number 32007M4779. EUR-Lex is the on-line access to European law (<http://eur-lex.europa.eu>).
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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND
BODIES

COMMISSION

Euro exchange rates ⁽¹⁾**31 January 2008**

(2008/C 29/03)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,4870	TRY Turkish lira	1,7483
JPY Japanese yen	157,93	AUD Australian dollar	1,6682
DKK Danish krone	7,4528	CAD Canadian dollar	1,4846
GBP Pound sterling	0,74770	HKD Hong Kong dollar	11,5951
SEK Swedish krona	9,4725	NZD New Zealand dollar	1,8960
CHF Swiss franc	1,6051	SGD Singapore dollar	2,1078
ISK Iceland króna	96,78	KRW South Korean won	1 404,03
NOK Norwegian krone	8,0760	ZAR South African rand	11,1115
BGN Bulgarian lev	1,9558	CNY Chinese yuan renminbi	10,6793
CZK Czech koruna	26,070	HRK Croatian kuna	7,2284
EEK Estonian kroon	15,6466	IDR Indonesian rupiah	13 749,55
HUF Hungarian forint	259,46	MYR Malaysian ringgit	4,8112
LTL Lithuanian litas	3,4528	PHP Philippine peso	60,224
LVL Latvian lats	0,6978	RUB Russian rouble	36,3140
PLN Polish zloty	3,6244	THB Thai baht	46,450
RON Romanian leu	3,7170	BRL Brazilian real	2,6241
SKK Slovak koruna	33,775	MXN Mexican peso	16,1087

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

EUROPEAN CENTRAL BANK

AGREEMENT

of 31 December 2007

between the European Central Bank and the Central Bank of Cyprus regarding the claim credited to the Central Bank of Cyprus by the European Central Bank under Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank

(2008/C 29/04)

THE EUROPEAN CENTRAL BANK AND THE CENTRAL BANK OF CYPRUS,

Whereas:

the claims pursuant to Article 30.3 of the ESCB Statute held by the other participating NCBs of the ECB's capital key adjustment on 1 January 2004 pursuant to Article 29.3 of the ESCB Statute and the ECB's capital key expansions on 1 May 2004 and on 1 January 2007 pursuant to Article 49.3 of the ESCB Statute.

- (1) Pursuant to Article 3(1) of Decision ECB/2007/22 of 31 December 2007 on the paying-up of capital, transfer of foreign reserve assets and contributions by the Central Bank of Cyprus and the Central Bank of Malta to the European Central Bank's reserves and provisions ⁽¹⁾, the aggregate euro-equivalent amount of foreign reserve assets that the Central Bank of Cyprus is required to transfer to the European Central Bank (ECB) with effect from 1 January 2008 in accordance with Article 49.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'ESCB Statute') is EUR 73 400 447,19.
- (2) Pursuant to Article 30.3 of the ESCB Statute and Article 4(1) of Decision ECB/2007/22, with effect from 1 January 2008 the ECB is required to credit the Central Bank of Cyprus with a euro-denominated claim equivalent to the aggregate euro amount of the Central Bank of Cyprus' contribution of foreign reserve assets, subject to the specifications provided for in Article 3 of that Decision. The ECB and the Central Bank of Cyprus agree to set the Central Bank of Cyprus' claim at EUR 71 950 548,51 in order to ensure that the *ratio* between the amount in euro of the Central Bank of Cyprus' claim and the aggregate amount in euro of the claims credited to the other national central banks of Member States that have already adopted the euro (hereinafter the 'participating NCBs') will be equal to the *ratio* between the Central Bank of Cyprus' weighting in the ECB's capital key and the other participating NCBs' aggregate weighting in this key.
- (3) The difference between the amounts mentioned in recitals 1 and 2 results from the application to the value of foreign reserve assets already transferred by the Central Bank of Cyprus pursuant to Article 30.1 of the ESCB Statute of the 'current exchange rates' referred to in Article 49.1 of the ESCB Statute and from the effect on
- (4) In view of the abovementioned difference, the ECB and the Central Bank of Cyprus agree that the Central Bank of Cyprus' claim may be reduced by offsetting against it the amount that the Central Bank of Cyprus is required to contribute to the ECB's reserves and provisions pursuant to Article 49.2 of the ESCB Statute and Article 5(1) of Decision ECB/2007/22, in the event that the Central Bank of Cyprus' claim is larger than the amount of EUR 71 950 548,51.
- (5) The ECB and the Central Bank of Cyprus should agree on other modalities for crediting the Central Bank of Cyprus' claim, taking into account that, depending on exchange rate movements, it may be necessary to increase rather than to reduce the claim to the amount referred to in recital 2.
- (6) The Governing Council has approved the ECB's entry into this Agreement, which concerns a decision to be taken under Article 30 of the ESCB Statute, in accordance with Article 10.3 of the ESCB Statute and the procedure specified therein,

HAVE AGREED AS FOLLOWS:

Article 1

Modalities for crediting the Central Bank of Cyprus' claim

1. If the amount of the claim that the ECB is required to credit to the Central Bank of Cyprus pursuant to Article 30.3 of the ESCB Statute and Article 4(1) of Decision ECB/2007/22 (hereinafter the 'Central Bank of Cyprus's claim' or the 'claim') is greater than EUR 71 950 548,51 on the final date on which the ECB receives foreign reserve assets from the Central

⁽¹⁾ OJ L 27, 1.2.2008.

Bank of Cyprus pursuant to Article 3 of Decision ECB/2007/22, then the amount of the claim shall be reduced with effect from that date to EUR 71 950 548,51. Such a reduction shall be made by offsetting against the claim the amount that the Central Bank of Cyprus is required to contribute to the ECB's reserves and provisions with effect from 1 January 2008 pursuant to Article 49.2 of the ESCB Statute and Article 5(1) of Decision ECB/2007/22. The offset amount shall be treated as an advance contribution to the ECB's reserves and provisions pursuant to Article 49.2 of the ESCB Statute and Article 5(1) of Decision ECB/2007/22, which shall be deemed to have been made on the date on which the offset occurs.

2. If the amount required to be contributed by the Central Bank of Cyprus to the ECB's reserves and provisions pursuant to Article 49.2 of the ESCB Statute and Article 5(1) of Decision ECB/2007/22 is less than the difference between: (a) the amount of the Central Bank of Cyprus' claim; and (b) EUR 71 950 548,51, then the amount of the claim shall be reduced to EUR 71 950 548,51: (i) by offsetting in accordance with paragraph 1 above; and (ii) by the ECB paying the Central Bank of Cyprus an amount in euro equal to the amount of the shortfall remaining after such offset. Any amount required to be paid by the ECB in accordance with this paragraph shall be due with effect from 1 January 2008. The ECB shall, in due course, give instructions for the transfer of such an amount, and of net accrued interest thereon, through the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET/TARGET2). Accrued interest shall be calculated on a daily basis, using the actual over-360-day method of calculation at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

3. If the amount of the Central Bank of Cyprus' claim is less than EUR 71 950 548,51 on the final date on which the ECB receives foreign reserve assets from the Central Bank of Cyprus pursuant to Article 3 of Decision ECB/2007/22, then the amount of the claim shall be increased on that date to EUR 71 950 548,51. The increase shall be effected by the Central Bank of Cyprus paying the ECB an amount in euro equal to the difference. Any amount required to be paid by the Central Bank of Cyprus in accordance with this paragraph shall be due from 1 January 2008, and shall be paid in accordance with the procedures specified in Article 5(4) and (5) of Decision ECB/2007/22.

Article 2

Final provisions

1. This Agreement shall enter into force on 1 January 2008.
2. This Agreement shall be drawn up in two duly signed originals in the English language. The ECB and the Central Bank of Cyprus shall each retain one original hereof.

Done at Frankfurt am Main, 31 December 2007.

For the European Central Bank

Jean-Claude TRICHET

President

For the Central Bank of Cyprus

Athanasios ORPHANIDES

Governor

AGREEMENT

of 31 December 2007

between the European Central Bank and the Central Bank of Malta regarding the claim credited to the Central Bank of Malta by the European Central Bank under Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank

(2008/C 29/05)

THE EUROPEAN CENTRAL BANK AND THE CENTRAL BANK OF MALTA,

key expansions on 1 May 2004 and on 1 January 2007 pursuant to Article 49.3 of the ESCB Statute.

Whereas:

- (1) Pursuant to Article 3(1) of Decision ECB/2007/22 of 31 December 2007 on the paying-up of capital, transfer of foreign reserve assets and contributions by the Central Bank of Cyprus and the Central Bank of Malta to the European Central Bank's reserves and provisions ⁽¹⁾, the aggregate euro-equivalent amount of foreign reserve assets that the Central Bank of Malta is required to transfer to the European Central Bank (ECB) with effect from 1 January 2008 in accordance with Article 49.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'ESCB Statute') is EUR 36 553 305,17.
- (2) Pursuant to Article 30.3 of the ESCB Statute and Article 4(1) of Decision ECB/2007/22, with effect from 1 January 2008 the ECB is required to credit the Central Bank of Malta with a euro-denominated claim equivalent to the aggregate euro amount of the Central Bank of Malta's contribution of foreign reserve assets, subject to the specifications provided for in Article 3 of that Decision. The ECB and the Central Bank of Malta agree to set the Central Bank of Malta's claim at EUR 35 831 257,94 in order to ensure that the *ratio* between the amount in euro of the Central Bank of Malta's claim and the aggregate amount in euro of the claims credited to the other national central banks of Member States that have already adopted the euro (hereinafter the 'participating NCBs') will be equal to the *ratio* between the Central Bank of Malta's weighting in the ECB's capital key and the other participating NCBs' aggregate weighting in this key.
- (3) The difference between the amounts mentioned in recitals 1 and 2 results from the application to the value of foreign reserve assets already transferred by the Central Bank of Malta pursuant to Article 30.1 of the ESCB Statute of the 'current exchange rates' referred to in Article 49.1 of the ESCB Statute and from the effect on the claims pursuant to Article 30.3 of the ESCB Statute held by the other participating NCBs of the ECB's capital key adjustment on 1 January 2004 pursuant to Article 29.3 of the ESCB Statute and the ECB's capital

- (4) In view of the abovementioned difference, the ECB and the Central Bank of Malta agree that the Central Bank of Malta's claim may be reduced by offsetting against it the amount that the Central Bank of Malta is required to contribute to the ECB's reserves and provisions pursuant to Article 49.2 of the ESCB Statute and Article 5(1) of Decision ECB/2007/22, in the event that the Central Bank of Malta's claim is larger than the amount of EUR 35 831 257,94.
- (5) The ECB and the Central Bank of Malta should agree on other modalities for crediting the Central Bank of Malta's claim, taking into account that, depending on exchange rate movements, it may be necessary to increase rather than to reduce the claim to the amount referred to in recital 2.
- (6) The Governing Council has approved the ECB's entry into this Agreement, which concerns a decision to be taken under Article 30 of the ESCB Statute, in accordance with Article 10.3 of the ESCB Statute and the procedure specified therein,

HAVE AGREED AS FOLLOWS:

Article 1

Modalities for crediting the Central Bank of Malta's claim

1. If the amount of the claim that the ECB is required to credit to the Central Bank of Malta pursuant to Article 30.3 of the ESCB Statute and Article 4(1) of Decision ECB/2007/22 (hereinafter the 'Central Bank of Malta's claim' or the 'claim') is greater than EUR 35 831 257,94 on the final date on which the ECB receives foreign reserve assets from the Central Bank of Malta pursuant to Article 3 of Decision ECB/2007/22, then the amount of the claim shall be reduced with effect from that date to EUR 35 831 257,94. Such a reduction shall be made by offsetting against the claim the amount that the Central Bank of Malta is required to contribute to the ECB's reserves and provisions with effect from 1 January 2008 pursuant to Article 49.2 of the ESCB Statute and Article 5(1) of Decision ECB/2007/22. The offset amount shall be treated as an advance contribution to the ECB's reserves and provisions pursuant to Article 49.2 of

⁽¹⁾ OJ L 27, 1.2.2008.

the ESCB Statute and Article 5(1) of Decision ECB/2007/22, which shall be deemed to have been made on the date on which the offset occurs.

2. If the amount required to be contributed by the Central Bank of Malta to the ECB's reserves and provisions pursuant to Article 49.2 of the ESCB Statute and Article 5(1) of Decision ECB/2007/22 is less than the difference between (a) the amount of the Central Bank of Malta's claim; and (b) EUR 35 831 257,94, then the amount of the claim shall be reduced to EUR 35 831 257,94; (i) by offsetting in accordance with paragraph 1 above; and (ii) by the ECB paying the Central Bank of Malta an amount in euro equal to the amount of the shortfall remaining after such offset. Any amount required to be paid by the ECB in accordance with this paragraph shall be due with effect from 1 January 2008. The ECB shall, in due course, give instructions for the transfer of such an amount, and of net accrued interest thereon, through the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET/TARGET2). Accrued interest shall be calculated on a daily basis, using the actual over-360-day method of calculation at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

3. If the amount of the Central Bank of Malta's claim is less than EUR 35 831 257,94 on the final date on which the ECB receives foreign reserve assets from the Central Bank of Malta pursuant to Article 3 of Decision ECB/2007/22, then the amount of the claim shall be increased on that date to

EUR 35 831 257,94. The increase shall be effected by the Central Bank of Malta paying the ECB an amount in euro equal to the difference. Any amount required to be paid by the Central Bank of Malta in accordance with this paragraph shall be due from 1 January 2008, and shall be paid in accordance with the procedures specified in Article 5(4) and (5) of Decision ECB/2007/22.

Article 2

Final provisions

1. This Agreement shall enter into force on 1 January 2008.
2. This Agreement shall be drawn up in two duly signed originals in the English language. The ECB and the Central Bank of Malta shall each retain one original hereof.

Done at Frankfurt am Main, 31 December 2007.

For the European Central Bank

Jean-Claude TRICHET

President

For the Central Bank of Malta

Michael C. BONELLO

Governor

NOTICES FROM MEMBER STATES

Commission communication in the framework of the implementation of the Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments**(Text with EEA relevance)***(Publication of titles and references of harmonised standards under the directive)**(2008/C 29/06)*

ESO ⁽¹⁾	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of confor- mity of superseded standard (Note 1)
CEN	EN 1359:1998 Gas meters — Diaphragm gas meters EN 1359:1998/A1:2006	—	
CEN	EN 1434-1:2007 Heat meters — Part 1: General requirements	—	
CEN	EN 1434-2:2007 Heat meters — Part 2: Constructional requirements	—	
CEN	EN 1434-4:2007 Heat meters — Part 4: Pattern approval tests	—	
CEN	EN 1434-5:2007 Heat meters — Part 5: Initial verification tests	—	
CEN	EN 12261:2002 Gas meters — Turbine gas meters EN 12261:2002/A1:2006	—	
CEN	EN 12405-1:2005 Gas meters — Conversion devices — Part 1: Volume conversion EN 12405-1:2005/A1:2006	—	
CEN	EN 12480:2002 Gas meters — Rotary displacement gas meters EN 12480:2002/A1:2006	—	
CEN	EN 14236:2007 Ultrasonic domestic gas meters	—	
CENELEC	EN 50470-1:2006 Electricity metering equipment (a.c.) — Part 1: General requirements, tests and test conditions — Metering equipment (class indexes A, B and C)	—	—

ESO ⁽¹⁾	Reference and title of the harmonised standard (and reference document)	Reference of superseded standard	Date of cessation of presumption of confor- mity of superseded standard (Note 1)
CENELEC	EN 50470-2:2006 Electricity metering equipment (a.c.) — Part 2: Particular requirements — Electromechanical meters for active energy (class indexes A and B)	—	—
CENELEC	EN 50470-3:2006 Electricity metering equipment (a.c.) — Part 3: Particular requirements — Static meters for active energy (class indexes A, B and C)	—	—

⁽¹⁾ ESO: European Standardisation Organisation:

— CEN: rue de Stassart 36, B-1050 Brussels, Tel. (32-2) 550 08 11; fax (32-2) 550 08 19 (<http://www.cen.eu>)

— CENELEC: rue de Stassart 35, B-1050 Brussels, Tel. (32-2) 519 68 71; fax (32-2) 519 69 19 (<http://www.cenelec.org>)

— ETSI: 650, route des Lucioles, F-06921 Sophia Antipolis, Tel. (33) 492 94 42 00; fax (33) 493 65 47 16 (<http://www.etsi.eu>).

Note 1 Generally the date of cessation of presumption of conformity will be the date of withdrawal ('dow'), set by the European Standardisation Organisation, but attention of users of these standards is drawn to the fact that in certain exceptional cases this can be otherwise.

Note 3 In case of amendments, the referenced standard is EN CCCCC:YYYY, its previous amendments, if any, and the new, quoted amendment. The superseded standard (column 3) therefore consists of EN CCCCC:YYYY and its previous amendments, if any, but without the new quoted amendment. On the date stated, the superseded standard ceases to give presumption of conformity with the essential requirements of the directive.

Note:

— Any information concerning the availability of the standards can be obtained either from the European Standardisation Organisations or from the national standardisation bodies of which the list is annexed to the Directive 98/34/EC of the European Parliament and of the Council ⁽¹⁾ amended by the Directive 98/48/EC ⁽²⁾.

— Publication of the references in the *Official Journal of the European Union* does not imply that the standards are available in all the Community languages.

— This list replaces all the previous lists published in the *Official Journal of the European Union*. The Commission ensures the updating of this list.

More information about harmonised standards on the Internet at:

<http://ec.europa.eu/enterprise/newapproach/standardization/harmstds/>

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

⁽²⁾ OJ L 217, 5.8.1998, p. 18.

Lifting by France of the public service obligations imposed on scheduled air services between Dijon and London, Clermont-Ferrand, Bordeaux and Toulouse

(Text with EEA relevance)

(2008/C 29/07)

France has decided to lift the public service obligations imposed on scheduled air services between:

- (1) Dijon and London, published in *Official Journal of the European Communities* C 240 of 15 September 1995 and amended in *Official Journal of the European Union* C 89 of 14 April 2004;
 - (2) Dijon and Clermont-Ferrand, published in *Official Journal of the European Union* C 277 of 18 November 2003;
 - (3) Dijon and Bordeaux, published in *Official Journal of the European Union* C 151 of 5 July 2007;
 - (4) Dijon and Toulouse, published in *Official Journal of the European Union* C 151 of 5 July 2007.
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V

(Announcements)

ADMINISTRATIVE PROCEDURES

COMMISSION

CALL FOR PROPOSALS — DG ENTR — ENT/CIP/08/C/N02S00/1**Global Sectoral Approaches: Sectoral approaches as part of a post-2012 framework***(2008/C 29/08)***1. Objectives and description**

Sectoral approaches offer a promising way forward to address energy and climate change challenges without compromising economic growth.

The objective of the call is to gain experience with and knowledge of developing sectoral approaches from carrying out projects in key emerging countries as well as trans-national projects. This will provide proof of concept of how sectoral approaches could work; how sectoral approaches would fit into a post-2012 international framework on climate change; what actions would be necessary for sectoral approaches to become a tool in the mitigation of greenhouse gas emissions and necessary links to the global carbon market.

2. Eligible applicants

Applicants must be established in one of the following countries:

- the 27 countries of the European Union,
- the EFTA and EEA countries: Switzerland, Iceland, Liechtenstein, Norway,
- other third countries when agreements so allow.

3. Budget and project duration

The **maximum budget** allocated for the operation is: EUR 1 900 000.

The **maximum amount by project** is: EUR 1 900 000.

Community co-financing rate of eligible costs: 90 %.

Community co-financing ceiling: EUR 1 900 000.

The maximum duration of projects is **24 months**.

4. Deadline

Applications must be sent to the Commission no later than **7 March 2008**.

5. Further information

The full text of the call for proposals and the application forms are available on the following website:

<http://ec.europa.eu/enterprise/funding/index.htm>

Applications must comply with the requirements set out in the full text and be submitted using the form provided.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

COMMISSION

Notice of initiation of an anti-dumping proceeding concerning imports of stainless steel cold rolled flat products originating in the People's Republic of China, the Republic of Korea and Taiwan

(2008/C 29/09)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), alleging that imports of stainless steel cold rolled flat products, originating in the People's Republic of China, the Republic of Korea and Taiwan ('the countries concerned'), are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 21 December 2007 by EUROFER ('the complainant') on behalf of producers representing a major proportion, in this case more than 25 %, of the total Community production of stainless steel cold rolled flat products.

2. Product

The product allegedly being dumped is flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), originating in the People's Republic of China, the Republic of Korea and Taiwan ('the product concerned'), normally declared within CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81 and 7220 20 89. These CN codes are only given for information.

3. Allegation of dumping

In view of the provisions of Article 2(7) of the basic Regulation, the complainant established normal value for the People's Republic of China on the basis of the price in a market economy country, which is mentioned in point 5.1(d). The allegation of dumping is based on a comparison of normal value,

thus calculated, with the export prices of the product concerned when sold for export to the Community.

The allegation of dumping in respect of the Republic of Korea is based on a comparison of normal value established on the basis of domestic prices, with the export prices of the product concerned when sold for export to the Community.

The allegation of dumping in respect of Taiwan is based on a comparison of a constructed normal value with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margins calculated are significant for all exporting countries concerned.

4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from the People's Republic of China, the Republic of Korea and Taiwan have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the market share held and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, the profitability situation and the employment situation of the Community industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

5.1. *Procedure for the determination of dumping and injury*

The investigation will determine whether the product concerned originating in the People's Republic of China, the Republic of Korea and Taiwan is being dumped and whether this dumping has caused injury.

(a) *Sampling*

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling in accordance with Article 17 of the basic Regulation.

(i) Sampling for exporters/producers in the People's Republic of China, the Republic of Korea and Taiwan

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the format indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the turnover in local currency and the volume in tonnes of the product concerned manufactured by the company and sold for export to the Community during the period 1 January 2007 to 31 December 2007,
- the turnover in local currency and the volume in tonnes of the product concerned manufactured by the company and sold on the domestic market during the period 1 January 2007 to 31 December 2007,
- the precise activities of the company with regard to the production of the product concerned,
- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or selling (export and/or domestic) of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If

the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of the exporting countries, and any known associations of exporters/producers.

Since a company cannot be sure to be chosen for the sample, exporters/producers that wish to claim an individual margin ⁽²⁾ are advised to request a questionnaire within the deadline foreseen in point 6(a)(i) of this notice, and file it within the deadline foreseen in point 6(a)(ii) first paragraph of this notice. However, attention is drawn to the last sentence of point 5.1(b) of this notice.

(ii) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the total turnover in euro of the company during the period 1 January 2007 to 31 December 2007,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volume in tonnes and value in euro of imports into and resales made in the Community market during the period 1 January 2007 to 31 December 2007 of the imported product concerned originating in the People's Republic of China, the Republic of Korea and Taiwan,

⁽¹⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

⁽²⁾ Individual margins may be claimed pursuant to Article 17(3) of the basic Regulation for companies not included in the sample, Article 9(5) of the basic Regulation concerning individual treatment in cases involving non market economy countries/economies in transition, and Article 2(7)(b) of the basic Regulation for companies claiming market economy status. Note that claims for individual treatment necessitate an application pursuant to Article 9(5) of the basic Regulation and that claims regarding market economy status necessitate an application pursuant to Article 2(7)(b) of the basic Regulation.

- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion or inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

(iii) Sampling for Community producers

In view of the large number of Community producers supporting the complaint, the Commission intends to investigate injury to the Community industry by applying sampling.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all Community producers or representative acting on their behalf are hereby requested to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the format indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the total turnover in euro of the company during the period 1 January 2007 to 31 December 2007,
- the precise activities of the company with regard to the product concerned,
- the value in euro of sales of the product concerned made in the Community market during the period 1 January 2007 to 31 December 2007,
- the volume in tonnes of sales of the product concerned made in the Community market during the period 1 January 2007 to 31 December 2007,
- the volume in tonnes of the production of the product concerned during the period 1 January 2007 to 31 December 2007,
- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or selling of the product concerned,

- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion or inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

(iv) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the samples after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the samples must reply to a questionnaire within the time limit set in point 6(b)(iii) and must cooperate within the framework of the investigation.

If sufficient co-operation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Community industry and to any association of producers in the Community, to the sampled exporters/producers in the People's Republic of China, the Republic of Korea and Taiwan to any association of exporters/producers, to the sampled importers, to any association of importers named in the complaint, to known users and to the authorities of the exporting countries concerned.

Exporters/producers in the People's Republic of China, the Republic of Korea and Taiwan claiming an individual margin, with a view to the application of Articles 17(3) and/or 9(6) of the basic Regulation, must submit a completed questionnaire within the time limit set in point 6(a)(ii) of this notice. They therefore have to request a questionnaire within the time limit set in point 6(a)(i). However, such parties should be aware that if sampling is applied to exporters/producers, the Commission may nonetheless decide not to calculate an individual margin for them, if the number of exporters/producers is so large that individual examination would be unduly burdensome and would prevent the timely completion of the investigation.

⁽¹⁾ For guidance on the meaning of related companies, please refer to Article 143 of Regulation (EEC) No 2454/93.

(c) *Collection of information and holding of hearings*

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence has to reach the Commission within the time limit set in point 6(a)(ii).

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(iii).

(d) *Selection of the market economy country*

In accordance with Article 2(7)(a) of the basic Regulation, it is envisaged to choose Mexico as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in point 6(c).

(e) *Market economy treatment*

For those exporters/producers in the People's Republic of China who claim and provide sufficient evidence that they operate under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. Exporters/producers intending to submit duly substantiated claims must do so within the specific time limit set in point 6(d). The Commission will send claim forms to all exporters/producers in the People's Republic of China who have either been included in the sample or named in the complaint and to any association of exporters/producers named in the complaint, as well as to the authorities of the People's Republic of China.

5.2. Procedure for assessment of Community interest

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii), make themselves known and provide the Commission with information. The parties which have acted in conformity with the precedent sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in point 6(a)(iii). It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

6. Time limits(a) *General time limits*

- (i) For parties to request a questionnaire or other claim forms

All interested parties should request a questionnaire or other claim forms as soon as possible, but not later than 10 days after the publication of this notice in the *Official Journal of the European Union*.

- (ii) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. All exporters/producers concerned by this proceeding, who wish to apply for individual examination in accordance with Article 17(3) of the basic Regulation, must also submit a questionnaire reply within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limits specified in point 6(b)(iii).

(iii) *Hearings*

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

(b) *Specific time limit in respect of sampling*

- (i) The information specified in points 5.1(a)(i), 5.1(a)(ii) and 5.1(a)(iii) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.
- (ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(iv) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

(c) *Specific time limit for the selection of the market economy country*

Parties to the investigation may wish to comment on the appropriateness of Mexico which, as mentioned in point 5.1(d), is envisaged as a market economy country for the purpose of establishing normal value in respect of the People's Republic of China. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

(d) *Specific time limit for submission of claims for market economy status and/or for individual treatment*

Duly substantiated claims for market economy status (as mentioned in point 5.1(e)) and/or for individual treatment pursuant to Article 9(5) of the basic Regulation, must reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party). All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate General for Trade
Directorate H
Office: J-79 4/23
B-1049 Brussels
Fax (32-2) 295 65 05.

8. Non-cooperation

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or

significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the 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 favorable to that party than if it had cooperated.

9. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.

10. Processing of personal data

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾.

11. Hearing Officer

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

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

OTHER ACTS

COMMISSION

Notice concerning a request in accordance with Article 30 of Directive 2004/17/EC of the European Parliament and of the Council**Request from a Member State**

(2008/C 29/10)

On 17 January 2008, the Commission received a request under Article 30(4) of Directive 2004/17/EC of the European Parliament and of the Council ⁽¹⁾. The first working day after receipt of the request was 18 January 2008.

The request, made by Italy, concerns national and international express courier services in that country. Article 30 provides that the Directive does not apply where the activity in question is directly exposed to competition on markets to which access is not limited. This is to be assessed solely for the purposes of the Directive, without prejudice to the application of competition rules.

The Commission is allowed a period of three months from the working day referred to above to take a decision on this request. This period therefore expires on 18 April 2008.

The provisions of the third subparagraph of the abovementioned paragraph 4 are applicable. Consequently, the period allowed to the Commission may be extended by one month. Any such extension must be published.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1. Directive as amended by Commission Regulation (EC) No 1874/2004 (OJ L 326, 29.10.2004, p. 17).